



# Federal Register

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. 2002–NM–282–AD; Amendment 39–13227; AD 2003–14–08]

RIN 2120–AA64

#### Airworthiness Directives; Boeing Model 737–600, 737–700, 737–700C, 737–800, 737–900, 757, and 767 Series Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD); applicable to all Boeing Model 737–600, 737–700, 737–700C, 737–800, 737–900, 757, and 767 series airplanes; that requires revising the Airplane Flight Manual (AFM) to advise the flightcrew to don oxygen masks as a first and immediate step when a cabin altitude warning occurs. This action is necessary to prevent incapacitation of the flightcrew due to lack of oxygen, which could result in loss of control of the airplane. This action is intended to address the identified unsafe condition.

**DATES:** Effective August 18, 2003.

**ADDRESSES:** Information pertaining to this AD may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington.

**FOR FURTHER INFORMATION CONTACT:** Donald Eiford, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 917–6465; fax (425) 917–6590.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to

include an airworthiness directive (AD) that is applicable to all Boeing Model 737–600, 737–700, 737–700C, 737–800, 737–900, 757, and 767 series airplanes was published in the **Federal Register** on February 24, 2003 (68 FR 8560). That action proposed to require revising the Airplane Flight Manual (AFM) to advise the flightcrew to don oxygen masks as a first and immediate step when a cabin altitude warning occurs.

#### Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. The FAA has duly considered the comments received.

#### Support for the Proposed AD

One commenter concurs with the proposed AD, and several other commenters had no objection to the proposed AD.

#### Request To Modify Cabin Altitude Warning System

One commenter notes that there is no “CABIN ALT” or “CABIN ALTITUDE” warning light in the Boeing Model 737–800 series airplanes that it operates, and for this reason, the commenter suspects that the proposed AD does not apply to its airplanes. The commenter states that the only warning of excessive cabin altitude is the intermittent warning horn. The commenter suggests that the cabin altitude warning system installed on the airplane could be greatly enhanced by a modification that would give the flightcrew a visual warning of improper altitude. The commenter also suggests that the cabin altitude warning should be duplicated in the forward and aft galley areas.

We infer that the commenter is requesting clarification of the applicability and requirements of this proposed AD. We agree that such clarification is needed. Our intent was for this AD to apply to all airplanes listed in the applicability, regardless of the equipment associated with the cabin altitude warning system. We have confirmed with the airplane manufacturer that the Model 737–600, –700, –700C, –800, and –900 series airplanes subject to this AD have a cabin altitude warning horn instead of a warning light. Thus, we have revised Figure 1 of this AD to replace the reference to the illumination of the cabin altitude light with a reference to

the sounding of the cabin altitude warning horn.

Further, with regard to the commenter’s specific requests to add a cabin warning light on the flight deck and duplicate the cabin altitude warning in the forward and aft galley areas, we acknowledge the concerns of the commenter. While there may be merit to the commenter’s suggestions, this AD is not the appropriate context in which to evaluate those suggestions. We have determined that the cabin altitude warning horn is an adequate means to alert the flightcrew to an unsafe condition and provides an acceptable level of safety when combined with the changes to procedures required by this AD. No further change to the AD is necessary in this regard.

#### Request To Coordinate Rulemaking Activity

One commenter notes that its understanding is that AD 2003–03–15, amendment 39–13039 (68 FR 4892, January 31, 2003), may be revised in the future. (The proposed AD explains that the proposed actions are similar to those in AD 2003–03–15.) The commenter asks us to consider establishing a common compliance time between the proposed AD and any future revision of AD 2003–03–15. The commenter states that it would like to accomplish all AFM changes in a one-time effort to ensure consistency and standardization among its manuals, especially for similar airplane fleets. Related to consistency and standardization, the commenter is also concerned about the variations in operational procedures in the AFM revisions. The commenter states that, while the AFM may differ in format from one model to another, there should not be procedural differences related to responding to a cabin altitude warning.

We acknowledge the commenter’s concerns but do not concur with the commenter’s request. We find that it is not possible to establish a common compliance time between this AD and a possible future proposed AD, because the timelines for these rulemaking actions are different. We have already proposed this AD and allowed opportunity for the public to comment, but, at this time, we are still considering further rulemaking to revise AD 2003–03–15. In light of the identified unsafe condition, we find that it would be

inappropriate to delay issuance of this action indefinitely to wait for development of a proposal to revise AD 2003-03-15.

We also acknowledge the commenter's concerns about ensuring consistency among its AFMs, and we agree that it may be desirable to have the same wording in the AFMs for all models. However, the effort to achieve commonality is compromised by differences in the terminology used to identify similar equipment on different models, and the subtle differences in existing procedures between models. In developing the AFM changes contained in this AD, we limited the scope of changes within each affected AFM to avoid introducing standardized wording that may be incompatible with equipment on the airplane model or may contradict other procedures in the AFM.

No further change to the final rule is necessary in this regard.

Conclusion

After careful review of the available data, including the comments noted above, the FAA has determined that air safety and the public interest require the adoption of the rule with the change previously described. The FAA has determined that this change will neither increase the economic burden on any operator nor increase the scope of the AD.

Changes to 14 CFR Part 39/Effect on the AD

On July 10, 2002, the FAA issued a new version of 14 CFR part 39 (67 FR 47997, July 22, 2002), which governs the FAA's airworthiness directives system. The regulation now includes material that relates to altered products, special flight permits, and alternative methods of compliance. However, for clarity and consistency in this final rule, we have retained the language of the NPRM regarding that material.

Explanation of Change to Cost Impact

After the proposed AD was issued, we reviewed the figures we use to calculate the labor rate to do the required actions. To account for various inflationary costs in the airline industry, we find it appropriate to increase the labor rate used in these calculations from \$60 per

work hour to \$65 per work hour. The economic impact information, below, has been revised to reflect this increase in the specified hourly labor rate.

Cost Impact

There are approximately 3,107 airplanes of the affected design in the worldwide fleet. The FAA estimates that 1,599 airplanes of U.S. registry will be affected by this AD, that it will take approximately 1 work hour per airplane to accomplish the required AFM revision, and that the average labor rate is \$65 per work hour. Based on these figures, the cost impact of this AD on U.S. operators is estimated to be \$103,935, or \$65 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy

of it may be obtained from the Rules Docket at the location provided under the caption ADDRESSES.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

■ Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. Section 39.13 is amended by adding the following new airworthiness directive:

2003-14-08 Boeing: Amendment 39-13227. Docket 2002-NM-282-AD.

Applicability: All Model 737-600, 737-700, 737-700C, 737-800, 737-900, 757, and 767 series airplanes; certificated in any category.

Note 1: The requirements of this AD are similar to those in AD 2003-03-15, amendment 39-13039, which applies to various Boeing and McDonnell Douglas transport category airplanes.

Compliance: Required as indicated, unless accomplished previously.

To prevent incapacitation of the flightcrew due to lack of oxygen, which could result in loss of control of the airplane, accomplish the following:

Revision to the Airplane Flight Manual

(a) Within 90 days after the effective date of this AD: For the applicable airplane models listed in the "For—" column of Table 1 of this AD, revise the procedures regarding donning oxygen masks in the event of rapid depressurization, as contained in the Emergency Procedures or Non-Normal Procedures section of the Airplane Flight Manual (AFM), as applicable, by replacing the text in the "Replace—" column of Table 1 of this AD with the information in the applicable figure referenced in the "With the Information In—" column of Table 1 of this AD. This may be accomplished by recording the AD number of this AD on the applicable figure and inserting it into the AFM. Table 1 and Figures 1 through 3 follow:

TABLE 1.—AFM REVISIONS

For—	Replace—	With the Information in—
Boeing Model 737-600, -700, -700C, -800, and -900 series airplanes.	"Rapid Depressurization (With airplane altitude above 14,000 feet M.S.L.). Oxygen Masks & Regulators—ON, 100%"	Figure 1 of this AD.



TABLE 1.—AFM REVISIONS—Continued

For—	Replace—	With the Information in—
Boeing Model 757–200, –200PF, –200CB; and Boeing Model 767–200, –300, and –300F series airplanes.	<i>“Rapid Depressurization ..... Recall Oxygen Masks and Regulators—ON”</i>	Figure 2 of this AD.
Boeing Model 757–300 series airplanes .....	<i>“Rapid Depressurization ..... Put on oxygen masks, and establish crew communications”.</i>	Figure 3 of this AD.
Boeing Model 767–400ER series airplanes .....	<i>“Rapid Depressurization ..... Turn on oxygen masks, and establish crew communications”.</i>	Figure 3 of this AD.

**Figure 1****For Boeing Model 737–600, –700, –700C, –800, and –900 Series Airplanes**

Insert the information in this figure into the “Non-Normal Procedures” section of the FAA-approved Airplane Flight Manual.

*“Cabin Altitude Warning or Rapid Depressurization*

Condition: The cabin altitude warning horn sounds:

Oxygen Masks & Regulators ON, 100%”

The rest of the steps under this heading in the AFM are unchanged.

**Figure 2****For Boeing Model 757–200, –200PF, and –200CB; and Model 767–200, –300, and –300F Series Airplanes**

Insert the information in this figure into the “Emergency Procedures” section of the FAA-approved Airplane Flight Manual.

*“Cabin Altitude Warning or Rapid Depressurization*

Condition: The CABIN ALT or CABIN ALTITUDE light illuminated indicates cabin altitude is excessive:

RECALL

Oxygen Masks & Regulators ON, 100%”

The rest of the steps under this heading in the AFM are unchanged.

**Figure 3****For Boeing Model 757–300 and 767–400ER Series Airplanes**

Insert the information in this figure into the “Non-Normal Procedures” section of the FAA-approved Airplane Flight Manual.

*“Cabin Altitude Warning or Rapid Depressurization*

Condition: The CABIN ALT or CABIN ALTITUDE light illuminated indicates cabin altitude is excessive:

Put on oxygen masks and establish crew communications.”

The rest of the steps under this heading in the AFM are unchanged.

**Alternative Methods of Compliance**

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Operations

Inspector, who may add comments and then send it to the Manager, Seattle ACO.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

**Special Flight Permits**

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

**Effective Date**

(d) This amendment becomes effective on August 18, 2003.

Issued in Renton, Washington, on July 7, 2003.

**Ali Bahrami,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 03–17675 Filed 7–11–03; 8:45 am]

**BILLING CODE 4910–13–P**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****14 CFR Part 39**

[Docket No. 2002–NM–02–AD; Amendment 39–13230; AD 2003–14–11]

**RIN 2120–AA64**

**Airworthiness Directives; Airbus Model A330 and A340 Series Airplanes**

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts a new airworthiness directive (AD), applicable to all Airbus Model A330 and A340 series airplanes, that requires revising the Airworthiness Limitations Section of the Instructions for Continued Airworthiness to incorporate life limits for the servo-controls located on the ailerons and replacement of the servo-controls with new servo-controls when they have reached their operational life limits. This action is necessary to prevent hydraulic leakage

and failure of the servo-controls due to cracks in the end caps and along the barrel, which could result in loss of the ailerons and consequent reduced controllability of the airplane. This action is intended to address the identified unsafe condition.

**DATES:** Effective August 18, 2003.

**ADDRESSES:** Information pertaining to this amendment may be examined at or obtained from the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

**FOR FURTHER INFORMATION CONTACT:** Todd Thompson, Aerospace Engineer, International Branch, ANM–116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–1175; fax (425) 227–1149.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an airworthiness directive (AD) that is applicable to all Airbus Model A330 and A340 series airplanes was published in the **Federal Register** on April 3, 2003 (68 FR 16225). That action proposed to require revising the Airworthiness Limitations Section of the Instructions for Continued Airworthiness to incorporate life limits for the servo-controls located on the ailerons and replacement of the servo-controls with new servo-controls when they have reached their operational life limits.

**Comments**

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

**Conclusion**

The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Changes to 14 CFR Part 39/Effect on the AD

On July 10, 2002, the FAA issued a new version of 14 CFR part 39 (67 FR 47997, July 22, 2002), which governs the FAA's airworthiness directives system. The regulation now includes material that relates to altered products, special flight permits, and alternative methods of compliance. However, for clarity and consistency in this final rule, we have retained the language of the proposed AD regarding that material.

Change in Labor Rate

After the proposed AD was issued, we reviewed the figures we use to calculate the labor rate to do the required actions. To account for various inflationary costs in the airline industry, we find it appropriate to increase the labor rate used in these calculations from \$60 per work hour to \$65 per work hour. The economic impact information, below, has been revised to reflect this increase in the specified hourly labor rate.

Cost Impact

The FAA estimates that 9 Model A330 series airplanes of U.S. registry will be affected by this AD, that it will take approximately 5 work hours per airplane to accomplish the required actions, and that the average labor rate is \$65 per work hour. Required parts will be provided to the operators at no cost. Based on these figures, the cost impact of the AD on U.S. operators of Model A330 series airplanes is estimated to be \$2,925, or \$325 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up,

planning time, or time necessitated by other administrative actions.

Currently, there are no Airbus Model A340 series airplanes on the U.S. Register. However, should an affected airplane be imported and placed on the U.S. Register in the future, it will require approximately 5 work hours to accomplish the required actions, at an average labor rate of \$65 per work hour. Required parts will be provided to the operators at no cost. Based on these figures, the cost impact of this AD for Model A340 operators will be \$325 per airplane.

Regulatory Impact

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption ADDRESSES.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

■ Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

■ 2. Section 39.13 is amended by adding the following new airworthiness directive:

2003-14-11 Airbus: Amendment 39-13230. Docket 2002-NM-02-AD.

Applicability: All Model A330 and A340 series airplanes, certificated in any category.

Note 1: This AD requires revisions to certain operator maintenance documents to include new inspections. Compliance with these inspections is required by 14 CFR part 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by these inspections, the operator may not be able to accomplish the inspections described in the revisions. In this situation, to comply with 14 CFR part 91.403(c), the operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include a description of changes to the required inspections that will ensure the continued damage tolerance of the affected structure. The FAA has provided guidance for this determination in Advisory Circular (AC) 25-1529.

Compliance: Required as indicated, unless accomplished previously.

To prevent hydraulic leakage and failure of the servo-controls located on the ailerons due to cracks in the end caps and along the barrel, which could result in loss of the ailerons and consequent reduced controllability of the airplane, accomplish the following:

Airworthiness Limitations Revision and Replacement of Servo-Control Units

(a) Within 30 days after the effective date of this AD, revise the Airworthiness Limitations Section (ALS) of the Instructions for Continued Airworthiness by inserting a copy of this AD into the ALS.

(b) Replace the servo-control units operating in the active mode at the times specified in Table 1 of this AD as follows, counted from the date of initial installation on the airplane, as applicable:

TABLE 1.—PART NUMBERS AND REPLACEMENT LIFE LIMITS

For model—	Replace Servo-Controls having the following part numbers with new parts having the same part numbers:	Replace before—
(1) A330 series airplanes .....	(i) 3337457-21, -22, and -23 (inboard) .....	6,000 flight hours.
	(ii) 3337457-25, -26, and -27 (inboard) .....	18,000 flight hours.
	(iii) 3337457-30, -31, -34, -35, -36, -37, and -38 (inboard).	21,000 flight cycles or 32,000 flight hours, whichever occurs first.

TABLE 1.—PART NUMBERS AND REPLACEMENT LIFE LIMITS—Continued

For model—	Replace Servo-Controls having the following part numbers with new parts having the same part numbers:	Replace before—
(2) A340 series airplanes ....	(iv) 3337457–59 and –60 (inboard) .....	60,000 flight hours. This is a temporary and life limit; if the operator wants to use the parts beyond 60,000 flight hours the accumulated flight hours of the parts since their origin must be tracked and a request submitted for an alternative method of compliance in accordance with paragraph (d) of this AD.
	(v) 3337458–30, 31, –34, –35, 36, –37, and –38 (outboard).	21,000 flight cycles or 32,000 flight hours, whichever occurs first.
	(vi) 3337458–59 and –60 (outboard) .....	60,000 flight hours. This is a temporary life limit; if the operator wants to use the parts beyond 60,000 flight hours the accumulated flight hours of the parts since their origin must be tracked and a request submitted for an alternative method of compliance in accordance with paragraph (d) of this AD.
	(i) 3337457–21, –22, and –23 (inboard) .....	9,000 flight hours.
	(ii) 3337457–25, –26, and –27 (inboard) .....	27,000 flight hours.
	(iii) 3337457–30, –31, –34, –35, 36, –37, and –38 (inboard).	16,400 flight cycles or 65,600 flight hours, whichever occurs first.
	(iv) 3337457–59 and –60 (inboard) .....	80,000 flight hours. This is a temporary and life limit; if the operator wants to use the parts beyond 80,000 flight hours the accumulated flight hours of the parts since their origin must be tracked and a request submitted for an alternative method of compliance in accordance with paragraph (d) of this AD.
	(v) 3337458–30, 31, –34, –35, 36, –37, and –38 (outboard).	16,400 flight cycles or 65,600 flight hours, whichever occurs first.
	(vi) 3337458–59 and –60 (outboard) .....	80,000 flight hours. This is a temporary life limit and if the operator wants to use the parts beyond 80,000 flight hours must track the accumulated flight hours of the parts since their origin and request approval for an alternative method of compliance in accordance with paragraph (d) of this AD.

(c) Except as provided by paragraph (d) of this AD: After the actions specified in paragraphs (a) and (b) of this AD have been accomplished, no alternative life limits may be approved for the components specified in paragraph (b) of this AD.

#### Alternative Methods of Compliance

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA. Operators shall submit their requests through an appropriate FAA Principal Operations Inspector, who may add comments and then send it to the Manager, International Branch, ANM–116.

**Note 2:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM–116.

#### Special Flight Permits

(e) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

**Note 3:** The subject of this AD is addressed in French airworthiness directives 2001–529(B) and 2001–530(B), both dated November 14, 2001.

#### Effective Date

(f) This amendment becomes effective on August 18, 2003.

Issued in Renton, Washington, on July 7, 2003.

**Ali Bahrami,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 03–17694 Filed 7–11–03; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 97

[Docket No. 30376; Amdt. No. 3065]

#### Standard Instrument Approach Procedures; Miscellaneous Amendments

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment establishes, amends, suspends, revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new

or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

**DATES:** This rule is effective July 14, 2003. The compliance date for each SIAP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 14, 2003.

**ADDRESSES:** Availability of matters incorporated by reference in the amendment is as follows:

*For Examination—*

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located;

3. The Flight Inspection Area Office which originated the SIAP; or,  
4. The Office of Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.

*For Purchase*—Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA-200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

*By Subscription*—Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

#### FOR FURTHER INFORMATION CONTACT:

Donald P. Pate, Flight Procedure Standards Branch (AMCAFS-420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd. Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082 Oklahoma City, OK 73125) telephone: (405) 954-4164.

**SUPPLEMENTARY INFORMATION:** This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4, and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

#### The Rule

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. Some SIAP amendment may have been previously issued by the FAA in a National Flight Data Center (NFDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may required making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs, the TERPS criteria were applied to the condition existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

#### Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Incorporation by reference, and Navigation (Air).

Issued in Washington, DC on July 3, 2003.

**James J. Ballough,**

*Director, Flight Standards Service.*

#### Adoption of the Amendment

■ Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending,

suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

#### PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

#### §§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

*Effective August 7, 2003*

Oakland, CA, Metropolitan Oakland Intl, VOR/DME RWY 29, Amdt 1  
Athens (Albany), OH, Ohio University Snyder Field, ILS OR LOC RWY 25, Amdt 1

*Effective September 4, 2003*

Frederick, MD, Frederick Muni, RNAV (GPS) 23, Amdt 1  
Eliot, ME, Littlebrook Air Park, VOR-A, Amdt 2  
Eliot, ME, Littlebrook Air Park, NDB-B, Amdt 1  
Eliot, ME, Littlebrook Air Park, RNAV (GPS) RWY 30, Orig  
Eliot, ME, Littlebrook Air Park, GPS RWY 30, Orig, CANCELLED  
Bozeman, MT, Gallatin Field, RNAV (GPS)-A, Orig  
Wayne, NE, Wayne Muni, NDB OR GPS RWY 22, Amdt 3A, CANCELLED  
Lumberton, NJ, Flying W, RNAV (GPS) RWY 1, Orig  
Lumberton, NJ, Flying W, RNAV (GPS) RWY 19, Orig  
Lumberton, NJ, Flying W, VOR-A, Amdt 3  
Lumberton, NJ, Flying W, GPS RWY 1, Orig, CANCELLED  
Lumberton, NJ, Flying W, GPS RWY 19, Orig, CANCELLED  
Shelby, OH, Shelby Community, VOR-A, Amdt 5  
Poteau, OK, Robert S. Kerr, RNAV (GPS) RWY 18, Orig  
Poteau, OK, Robert S. Kerr, RNAV (GPS) RWY 36, Orig  
Poteau, OK, Robert S. Kerr, GPS RWY 18, Orig, CANCELLED  
Poteau, OK, Robert S. Kerr, GPS RWY 36, Orig, CANCELLED  
Pittsburgh, PA, Allegheny County, ILS RWY 10, Amdt 5  
Pittsburgh, PA, Allegheny County, RNAV (GPS) RWY 5, Amdt 2  
Pittsburgh, PA, Allegheny County, RNAV (GPS) Y RWY 10, Orig

Pittsburgh, PA, Allegheny County, RNAV (GPS) Z RWY 10, Amdt 2  
 Pittsburgh, PA, Allegheny County, RNAV (GPS) RWY 28, Amdt 2  
 Pittsburgh, PA, Pittsburgh International, ILS RWY 10L, Amdt 25  
 Pittsburgh, PA, Pittsburgh International, ILS RWY 10R, Amdt 10  
 Pittsburgh, PA, Pittsburgh International, ILS RWY 10C, Orig, CANCELLED  
 Pittsburgh, PA, Pittsburgh International, ILS RWY 28L, Amdt 8  
 Pittsburgh, PA, Pittsburgh International, ILS RWY 28R, Amdt 8  
 Pittsburgh, PA, Pittsburgh International, ILS RWY 28C, Orig, CANCELLED  
 Pittsburgh, PA, Pittsburgh International, ILS RWY 32, Amdt 11  
 Pittsburgh, PA, Pittsburgh International, Converging ILS RWY 28R, Amdt 3  
 Pittsburgh, PA, Pittsburgh International, Converging ILS RWY 32, Amdt 4  
 Pittsburgh, PA, Pittsburgh International, RNAV (GPS) RWY 10C, Amdt 2  
 Pittsburgh, PA, Pittsburgh International, RNAV (GPS) RWY 10L, Amdt 2  
 Pittsburgh, PA, Pittsburgh International, RNAV (GPS) RWY 10R, Amdt 2  
 Pittsburgh, PA, Pittsburgh International, RNAV (GPS) Y RWY 14, Orig  
 Pittsburgh, PA, Pittsburgh International, RNAV (GPS) Z RWY 14, Amdt 2  
 Pittsburgh, PA, Pittsburgh International, RNAV (GPS) Y RWY 28C, Amdt 1  
 Pittsburgh, PA, Pittsburgh International, RNAV (GPS) Z RWY 28C, Amdt 2  
 Pittsburgh, PA, Pittsburgh International, RNAV (GPS) Y RWY 28L, Amdt 1  
 Pittsburgh, PA, Pittsburgh International, RNAV (GPS) Z RWY 28L, Amdt 2  
 Pittsburgh, PA, Pittsburgh International, RNAV (GPS) RWY 28R, Amdt 2  
 Pittsburgh, PA, Pittsburgh International, RNAV (GPS) Y RWY 32, Amdt 1  
 Pittsburgh, PA, Pittsburgh International, RNAV (GPS) Z RWY 32, Amdt 2  
 Millington, TN, VOR/DME OR TACAN RWY 22, Amdt 1  
 Pleasanton, TX, Pleasanton Muni, NDB-A, Amdt 5A, CANCELLED  
 Pleasanton, TX, Pleasanton Muni, GPS RWY 34, Orig, CANCELLED  
 Delavan, WI, Lake Lawn, RNAV (GPS) RWY 18, Orig  
 Delavan, WI, Lake Lawn, RNAV (GPS) RWY 36, Orig  
 Delavan, WI, Lake Lawn, NDB RWY 18, Orig  
 Delavan, WI, Lake Lawn, NDB OR GPS RWY 18, Amdt 21, CANCELLED  
 Necedah, WI, Necedah, RNAV (GPS) RWY 36, Orig  
 Necedah, WI, Necedah, GPS RWY 36, Orig, CANCELLED

[FR Doc. 03-17654 Filed 7-11-03; 8:45 am]

BILLING CODE 4910-13-M

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 97

[Docket No. 30377; Amdt. No. 3066]

#### Standard Instrument Approach Procedures; Miscellaneous Amendments

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

**DATES:** This rule is effective July 14, 2003. The compliance date for each SIAP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of July 14, 2003.

**ADDRESSES:** Availability of matter incorporated by reference in the amendment is as follows:

#### For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;
2. The FAA Regional Office of the region in which affected airport is located; or
3. The Flight Inspection Area Office which originated the SIAP.
4. The Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.

#### For Purchase—Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA-200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

*By Subscription—Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, US Government Printing Office, Washington, DC 20402.*

#### FOR FURTHER INFORMATION CONTACT:

Donald P. Pate, Flight Procedure Standards Branch (AMCAFS-420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd. Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082 Oklahoma City, OK 73125) telephone: (405) 954-4164.

**SUPPLEMENTARY INFORMATION:** This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description on each SIAP is contained in the appropriate FAA Form 8260 and the National Flight Data Center (FDC)/Permanent (P) Notices to Airmen (NOTAM) which are incorporated by reference in the amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation's Regulations (FAR). Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the Federal Register expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction of charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

#### The Rule

This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes SIAPs. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained in the content of the following FDC/P NOTAMs for each SIAP. The SIAP information in some previously designated FDC/Temporary (FDC/T) NOTAMs is of such duration as

to be permanent. With conversion to FDC/P NOTAMs, the respective FDC/T NOTAMs have been canceled.

The FC/P NOTAMs for the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these chart changes to SIAPs by FDC/P NOTAMs, the TERPS criteria were applied to only these specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for all these SIAP amendments requires making them effective in less than 30 days.

Further, the SIAPs contained in this amendment are based on the criteria contained in the TERPS. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making these SIAPs effective in less than 30 days.

## Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a “significant regulatory action” under Executive Order 12866; (2) is not a “significant rule” under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

## List of Subjects in 14 CFR part 97

Air Traffic Control, Airports  
Incorporation by reference, and  
Navigation (Air).

Issued in Washington, DC on July 3, 2003

**James J. Ballough,**

*Director, Flight Standards Service.*

## Adoption of the Amendment

■ Accordingly, pursuant to the authority delegated to me, part 97 of the Federal

aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

## PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

**§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [Amended]**

By amending §§ 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; §§ 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; §§ 97.27 NDB, NDB/DME; §§ 97.29 ILS, ILS/DME, ISMLS, MLS/DME, MLS/RNAV; §§ 97.31 RADAR SIAPs; §§ 97.33 RNAV SIAPs; and §§ 97.35 COPTER SIAPs, Identified as follows:

\* \* \*Effective Upon Publication.

FDC date	State	City	Airport	FDC number	Subject
06/18/03 .....	TX	MOUNT PLEASANT .....	MOUNT PLEASANT REGIONAL .....	3/4798	RNAV (GPS) RWY 17, ORIG–A
06/19/03 .....	MO	POINT LOOKOUT .....	M. GRAHAM CLARK .....	3/4860	GPS RWY 11, ORIG–B
06/19/03 .....	SC	CHARLESTON .....	CHARLESTON AFB/INTL .....	3/4821	VOR/DME OR TACAN RWY 3, AMDT 14A
06/20/03 .....	CA	ALTURAS .....	ALTURAS MUNI .....	3/4822	GPS RWY 31, ORIG
06/20/03 .....	MI	ST IGNACE .....	MACKINAC COUNTY .....	3/4826	RNAV (GPS) RWY 7, ORIG
06/20/03 .....	MI	ST IGNACE .....	MACKINAC COUNTY .....	3/4828	RNAV (GPS) RWY 25, ORIG
06/23/03 .....	NH	PORTSMOUTH .....	PEASE INTL TRADEPORT .....	3/4962	RRNAV (GPS) RWY 16, ORIG
06/23/03 .....	PA	PHILADELPHIA .....	WINGS FIELD .....	3/4969	RNAV (GPS) RWY 6, ORIG–A
06/23/03 .....	PA	PHILADELPHIA .....	WINGS FIELD .....	3/4971	NDB RWY 6, AMDT 9
06/23/03 .....	PA	PHILADELPHIA .....	WINGS FIELD .....	3/4970	RNAV (GPS) RWY 24, ORIG–A
06/23/03 .....	RI	PAWTUCKET .....	NORTH CENTRAL STATE .....	3/4960	NDB RWY 5, AMDT 2
06/23/03 .....	RI	PAWTUCKET .....	NORTH CENTRAL STATE .....	3/4961	LOC RWY 5, AMDT 5B
06/24/03 .....	UT	WENDOVER .....	WENDOVER .....	3/4953	RNAV (GPS) RWY 26, ORIG
06/25/03 .....	OK	NORMAN .....	UNIVERSITY OF OKLAHOMA WESTHEIMER.	3/5011	GPS RWY 3, ORIG
06/25/03 .....	OK	NORMAN .....	UNIVERSITY OF OKLAHOMA WESTHEIMER.	3/5013	NDB RWY 3, AMDT 5D
06/25/03 .....	OK	NORMAN .....	UNIVERSITY OF OKLAHOMA WESTHEIMER.	3/5014	VOR/DME RNAV RWY 3, ORIG–E
06/26/03 .....	MA	NANTUCKET .....	NANTUCKET MEMORIAL .....	3/5071	ILS RWY 24, AMDT 15B
06/26/03 .....	MA	NANTUCKET .....	NANTUCKET .....	3/5072	LOC BC RWY, 6 AMDT 10A
06/26/03 .....	MA	NANTUCKET .....	NANTUCKET MEMORIAL .....	3/5073	NDB RWY 24, AMDT 11A
06/26/03 .....	MA	HYANNIS .....	BARNSTABLE MUNI–BOARDMAN/ POLAND O FIELD.	3/5074	ILS RWY 15, AMDT 2C
06/26/03 .....	MA	HYANNIS .....	BARNSTABLE MUNI–BOARDMAN/ POLAND O FIELD.	3/5075	ILS RWY 24, AMDT 16E
06/26/03 .....	MA	HYANNIS .....	BARNSTABLE MUNI–BOARDMAN/ POLAND O FIELD.	3/5076	NDB RWY 24, AMDT 9C
06/26/03 .....	MA	PLYMOUTH .....	PLYMOUTH MUNI .....	3/5082	NDB RWY 6, AMDT 4A
06/26/03 .....	MA	PROVINCETOWN .....	PROVINCETOWN MUNI .....	3/5077	ILS RWY 7, AMDT 8
06/26/03 .....	MA	PROVINCETOWN .....	PROVINCETOWN MUNI .....	3/5078	RNAV (GPS) RWY 7, ORIG
06/26/03 .....	MA	PROVINCETOWN .....	PROVINCETOWN MUNI .....	3/5079	RNAV (GPS) RWY 25, ORIG
06/26/03 .....	MA	PROVINCETOWN .....	PROVINCETOWN MUNI .....	3/5080	NDB RWY 7, AMDT 1
06/26/03 .....	MA	PROVINCETOWN .....	PROVINCETOWN MUNI .....	3/5081	NDB RWY 25, AMDT 2
06/26/03 .....	NE	SEWARD .....	SEWARD MUNI .....	3/5059	GPS RWY 34, ORIG

FDC date	State	City	Airport	FDC number	Subject
06/26/03 .....	NE	SEWARD .....	SEWARD MUNI .....	3/5060	GPS RWY 16, ORIG
06/27/03 .....	NC	MONROE .....	MONROE REGIONAL .....	3/5067	RNAV (GPS) RWY 5, ORIG
06/27/03 .....	SC	NORTH MYRTLE BEACH.	GRAND STRAND .....	3/5088	ILS RWY 23, AMDT 10C
06/27/03 .....	TX	BEAUMONT .....	BEAUMONT MUNI .....	5138	3/RNAV (GPS) RWY 13, ORIG
06/27/03 .....	TX	BEAUMONT .....	BEAUMONT MUNI .....	5139	3/VOR/DME RWY 13, AMDT 3
06/27/03 .....	TX	BEUMONT .....	BEAUMONT MUNI .....	3/5140	RNAV (GPS) RWY 31, ORIG
06/27/03 .....	TX	BEAUMONT .....	BEAUMONT MUNI .....	3/5145	VOR/DME RWY 31, AMDT 4
06/30/03 .....	MA	STOW .....	MINUTE MAN AIRFIELD .....	3/5130	VOR/DME RWY 21, AMDT 3A
07/01OK/03	OK	NORMAN .....	UNIVERSITY OF OKLAHOMA WESTHEIMER.	5297	3/LOC RWY 3, AMDT 3D

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## DEPARTMENT OF JUSTICE

### Parole Commission

#### 28 CFR Part 2

#### Paroling, Recommitting, and Supervising Federal Prisoners: Prisoners Serving Sentences Under the United States and District of Columbia Codes

**AGENCY:** United States Parole Commission, Justice.

**ACTION:** Final rule.

**SUMMARY:** The U.S. Parole Commission is amending a number of procedural rules to reflect changes in the structure of the Commission, and the transfer of District of Columbia felony offenders to the custody of the Bureau of Prisons. In addition to eliminating obsolete procedural rules, the Commission is simplifying a rule on the timing of interim hearings for Federal offenders and providing consistent instructions regarding the determination of a revocation hearing location for alleged parole and supervised release violators. Finally, the Commission is making a number of corrections and editorial changes, primarily amendments to the citations to the District of Columbia Code made necessary as a result of a recodification of D.C. criminal laws.

**DATES:** *Effective Date:* August 13, 2003.

**FOR FURTHER INFORMATION CONTACT:** Office of General Counsel, U.S. Parole Commission, 5550 Friendship Blvd., Chevy Chase, Maryland 20815, telephone (301) 492-5959. Questions about this publication are welcome, but inquiries concerning individual cases cannot be answered over the telephone.

**SUPPLEMENTARY INFORMATION:** Until October, 1991 the U.S. Parole Commission carried out its responsibilities through Regional Commissioners and staff located in five

regional offices across the country, and National Commissioners and staff located in its headquarters office in Chevy Chase, Maryland. Over the next five years the Commission gradually consolidated its operations into the headquarters office in Maryland as the agency faced the prospect of a reduced caseload of Federal prisoners and parolees due to laws that abolished parole for Federal offenders and limited the life of the Commission. The Commission made some changes in its voting procedures as the agency reduced its size (see 61 FR 55742 (Oct. 29, 1996)). But some procedures that were deemed necessary when regional offices existed were left in place though the rationale for the procedures was diminished. The voting and notice procedures that the Commission is eliminating through this publication fall into this category. The voting procedures, found at 28 CFR 2.24(b)(1) and (2) and 2.28(a)(1), allow a Regional Commissioner to make a modest modification (either an increase or a decrease) to a recommended or established release date without securing the concurring vote of a National Commissioner. Section 2.24(a) also includes a requirement that the prisoner be given notice when his case is transferred by the Regional Commissioner to the National Commissioners for a further vote due to the Regional Commissioner's significant disagreement with the recommendation of an examiner panel. The voting procedures were created as a response to the Regional Commissioners' desire for greater flexibility in decision-making and to avoid the process of securing National Commissioner votes (including shipping case files across the country) when there was only a modest disagreement on a release date. The notice requirement was implemented to ensure that the prisoner was informed of the reason the Commission would not be able to meet the normal 21-day time limit for making a release decision when the case was referred to the National

Commissioners. The rationales described above do not have the same force now that the Commissioners are all located in one office in Chevy Chase, Maryland, and case files do not have to be transferred across the country for Commissioner votes. In recent years the Commission has very rarely used the voting procedures of §§ 2.24(b)(1) and (2). The revised rules eliminate the requirement regarding notice of a referral for subsequent voting and provide that the concurrence of two Commissioners is needed to make a decision when the Regional Commissioner disagrees with the examiner panel on the disposition of the case, or when the Regional Commissioner votes to reopen a case under § 2.28(a) and advance a presumptive release date.

Another rule amendment that the Commission is making to correspond to a change in its structure is the amendment to § 2.17. The Commission is amending the procedural rule regarding the voting quorum in original jurisdiction cases to reflect an increase in the agency's authorized membership, and the possibility that the number of Commissioners may change from the present number now holding office (three Commissioners). In section 11231(c) of the National Capital Revitalization and Self-Government Improvement Act of 1997, Pub. L. 105-33, Congress increased the number of persons authorized to serve on the Parole Commission to five, in conjunction with giving the Commission new responsibilities regarding District of Columbia felony offenders. In original jurisdiction cases the Commission's intent is that all decisions, whether made after a hearing or after reviewing a petition for reconsideration, are made by a majority vote of the Commission. The voting requirements in the present rules for original jurisdiction cases are based on a three-member Commission. Therefore, the Commission is changing the original

jurisdiction voting requirements to provide that a decision is made on the basis of a majority vote of the Commissioners holding office at the time of the decision.

There are also several procedural rules governing hearing procedures for District of Columbia offenders that have been rendered obsolete by a change in circumstances unrelated to the structure of the Commission. When the Parole Commission took over the task of conducting parole hearings for DC offenders in 1998, as provided by the Revitalization Act, these offenders were incarcerated in correctional facilities of the DC Department of Corrections and the Federal Bureau of Prisons. Because of security and staffing concerns regarding the implementation of parole hearing procedures in DC facilities, the Commission's rules allowed the opportunity for the appearance of a representative and pre-hearing file disclosure for offenders in Bureau custody, but limited or denied these opportunities for offenders in DC custody. Section 11201 of the Revitalization Act required that all DC felony offenders had to be transferred to the custody of the Bureau of Prisons, and this transfer was accomplished by the end of 2001. This transfer has removed the need for different procedures for DC prisoners depending on the identity of the incarcerating authority. Therefore, the Commission is amending the rule at § 2.72 on hearing procedures for DC offenders to remove the difference in procedures regarding the opportunity for representation and pre-hearing file disclosure.

The Commission is amending the rule at 28 CFR 2.14 to provide that, for a prisoner who has had his initial hearing prior to the parole eligibility date and who must continue to serve the minimum term of his sentence before reaching parole eligibility, such a prisoner has the opportunity for an interim hearing nine months prior to the parole eligibility date. This amendment simplifies the Commission's present rule and ensures that such a prisoner is afforded the chance for an advancement of a presumptive release date to a parole effective date that coincides with the parole eligibility date, if the prisoner shows superior program achievement or other clearly exceptional circumstances that warrant a change in the previous decision.

The Commission is revising the rule at 28 CFR 2.49 to insert instructions on determining the type of revocation hearing that must be held when a Federal parolee has an unadjudicated violation charge that may be determinative of revocation and/or

reparole, and the parolee wants an adverse witness present at the hearing for confrontation and cross-examination on the contested charge. These instructions are presently found in the rules regarding revocation proceedings for DC parolees and supervised releasees, and the addition of the instructions in § 2.49 (with other editorial changes in § 2.49 and § 2.102) ensures that there is consistency in the application of agency policy on the place of a revocation hearing for all offenders under the Commission's jurisdiction.

The Commission is also making a number of corrections to the rules. In reviewing the rules on agency action following a hearing, the Commission discovered that a provision in § 2.13(c) on issuing the notice of the Commission's decision within 21 days of the hearing had been erroneously eliminated as a result of an amendment to § 2.13 promulgated in 1994. The Commission is correcting this error by restoring the notice provision, with an amendment conforming to the elimination of the requirement regarding notice of a referral to the National Commissioners. The Commission is also restoring part of an instruction regarding the scoring of Item A of the salient factor score, a component of the paroling policy guidelines (28 CFR 2.20). This part of the instruction on counting a prior instance of criminal conduct when the offender's case was diverted from a final criminal conviction was erroneously omitted when the Commission revised the salient factor scoring manual in November, 2002. Other obvious errors in the paroling policy guidelines that have been corrected are the omission of a reference to conduct causing "serious bodily injury" in the rating of property destruction offenses, the insertion of an instruction for rating a kidnapping offense in the instructions for rating an assault offense, and the repetition of an instruction in a general note on holding an offender accountable for the criminal acts of his co-conspirators.

Finally, the Commission is making editorial changes to a number of rules in order to use up-to-date terms (e.g., substituting "Executive Hearing Examiner" for "administrative hearing examiner" or "community corrections center" for "community treatment center"). As a result of a recodification of the District of Columbia Code, almost all the citations to the DC Code in the present rules are to statutes that have been renumbered. The new rules provide citations to the revised statutes. The Commission is also amending the rule for offenders sentenced under the

DC Youth Rehabilitation Act to clarify the group of youth offenders who are eligible for parole given the delayed enactment of the DC Sentencing Reform Emergency Amendment Act of 2000.

### Implementation

These final rules will be applied to all cases as of the effective date of the rules.

### Regulatory Assessment Requirements

The U.S. Parole Commission has determined that this final rule does not constitute a significant rule within the meaning of Executive Order 12866. The final rule will not have a significant economic impact upon a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 605(b), and is deemed by the Commission to be a rule of agency practice that does not substantially affect the rights or obligations of non-agency parties pursuant to section 804(3)(c) of the Congressional Review Act.

### List of Subjects in 28 CFR Part 2

Administrative practice and procedure, Prisoners, Probation and parole.

### The Final Rule

■ Accordingly, the U.S. Parole Commission is adopting the following amendment to 28 CFR part 2.

### PART 2—[AMENDED]

■ 1. The authority citation for 28 CFR part 2 continues to read as follows:

**Authority:** 18 U.S.C. 4203(a)(1) and 4204(a)(6).

■ 2. Amend § 2.9 by removing "U.S. Federal Prison System" and adding "Bureau of Prisons".

■ 3. Amend § 2.13 by revising paragraph (c) to read as follows:

#### § 2.13 Initial hearing; procedure.

\* \* \* \* \*

(c) At the conclusion of the hearing, the examiner shall discuss the decision to be recommended by the examiner and the reasons therefor, except in the extraordinary circumstance of a complex issue that requires further deliberation before a recommendation can be made. Written notice of the decision shall be mailed or transmitted to the prisoner within 21 days of the date of the hearing, except in emergencies. Whenever the Commission initially establishes a release date (or modifies the release date thereafter), the prisoner shall also receive in writing the reasons therefor.

\* \* \* \* \*



■ 4. Amend § 2.14 as follows:

■ a. Revise paragraphs (a)(1), introductory text, and (a)(1)(ii) and (iii) to read as follows:

**§ 2.14 Subsequent proceedings.**

(a) *Interim proceedings.* \* \* \*

(1) Notwithstanding a previously ordered presumptive release date or fifteen year reconsideration hearing, interim hearings shall be conducted pursuant to the procedures of § 2.13(b), (c), (e), and (f) at the following intervals from the date of the last hearing:

\* \* \* \* \*

(ii) In the case of a prisoner with a maximum term or terms of seven years or more, every twenty-four months (until released);

(iii) In the case of a prisoner with an unsatisfied minimum term, the first interim hearing shall be scheduled under paragraphs (a)(1)(i) or (ii) of this section, or on the docket of hearings that is nine months prior to the month of parole eligibility, whichever is later.

\* \* \* \* \*

■ b. In paragraph (a)(2)(iii) by removing “Federal Prison System” wherever that term appears and adding “Bureau of Prisons”

■ c. In paragraphs (a)(2)(iii) and (a)(4)(ii) by removing “an Institutional Disciplinary Committee” wherever that term appears and adding “the Discipline Hearing Officer”; and

■ d. In paragraph (b)(4)(ii) by removing “administrative hearing examiner” wherever that term appears and adding “Executive Hearing Examiner”.

■ 5. Amend § 2.17 by revising paragraph (a) to read as follows:

**§ 2.17 Original jurisdiction cases.**

(a) Following any hearing conducted pursuant to these rules, the Regional Commissioner may designate that a case should be decided as an original jurisdiction case. If the Regional Commissioner makes such a designation, the Regional Commissioner shall vote on the case and then refer the case to the other Commissioners for their votes. The decision in an original jurisdiction case shall be made on the basis of a majority vote of Commissioners holding office at the time of the decision.

\* \* \* \* \*

■ 6. Amend § 2.20 as follows:

■ a. Amend the Offense Behavior Severity Index, Chapter Two Offenses Involving the Person, Subchapter B—Assault Offenses, 212 Assault, by removing paragraph (e).

■ b. Amend the Offense Behavior Severity Index, Chapter Three Offenses Involving Property, Subchapter A—

Arson and Other Property Destruction Offenses, 303 Property Destruction Other Than Listed Above, by revising paragraph (a).

■ c. Amend the Offense Behavior Severity Index, Chapter Thirteen General Notes and Definitions, Subchapter A—General Notes, by revising Note 4.

■ d. Amend the Salient Factor Scoring Manual, Item A, by revising paragraph A.5.

■ e. Amend the Salient Factor Scoring Manual, Item D, paragraph D.3(c) by removing “CTC” wherever that term appears and adding “CCC”.

The revised and added text reads as follows:

**§ 2.20 Paroling policy guidelines: Statement of general policy.**

\* \* \* \* \*

**U.S. Parole Commission Offense Behavior Severity Index**

\* \* \* \* \*

**CHAPTER THREE—OFFENSES INVOLVING PROPERTY**

**SUBCHAPTER A—ARSON AND OTHER PROPERTY DESTRUCTION OFFENSES**

\* \* \* \* \*

**303 Property Destruction Other Than Listed Above**

(a) If the conduct results in bodily injury \*, or serious bodily injury \*, or if serious bodily injury is the result intended \*, grade as if “assault during commission of another offense;”

\* \* \* \* \*

**CHAPTER THIRTEEN—GENERAL NOTES AND DEFINITIONS**

**SUBCHAPTER A—GENERAL NOTES**

\* \* \* \* \*

4. The prisoner is to be held accountable for his own actions and actions done in concert with others; however, the prisoner is not to be held accountable for activities committed by associates over which the prisoner has no control and could not have been reasonably expected to foresee. However, if the prisoner has been convicted of a conspiracy, he must be held accountable for the criminal activities committed by his co-conspirators, provided such activities were committed in furtherance of the conspiracy and subsequent to the date the prisoner joined the conspiracy, except in the case of an independent, small-scale operator whose role in the conspiracy was neither established nor significant. An offender has an “established” role in a conspiracy if, for example, he takes orders to perform a function that assists others to further the

objectives of the conspiracy, even if his activities did not significantly contribute to those objectives. For such offenders, however, a “peripheral role” reduction may be considered.

\* \* \* \* \*

**Salient Factor Scoring Manual**

\* \* \* \* \*

Item A. \* \* \*

A.5 *Diversions*. Conduct resulting in diversion from the judicial process without a finding of guilt (*e.g.*, deferred prosecution, probation without plea, or a District of Columbia juvenile consent decree) is not to be counted in scoring this item. However, an instance of criminal behavior resulting in a judicial determination of guilt or an admission of guilt before a judicial body shall be counted as a conviction even if a conviction is not formally entered.

\* \* \* \* \*

**§ 2.21 [Amended]**

■ 7. Amend § 2.21, paragraph (c), by removing “§§ 2.47(d)” and adding “§§ 2.47(e)”.

■ 8. Revise § 2.24 to read as follows:

**§ 2.24. Review of panel recommendation by the Regional Commissioner.**

(a) Upon review of the examiner panel recommendation, the Regional Commissioner may make the decision by concurring with the panel recommendation. If the Regional Commissioner does not concur, the Regional Commissioner shall refer the case to another Commissioner and the decision shall be made on the concurring votes of two Commissioners.

(b) Upon review of the panel recommendation, the Regional Commissioner may also:

(1) Designate the case for the original jurisdiction of the Commission pursuant to § 2.17, vote on the case, and then refer the case to another Commissioner for further review; or

(2) Remand the case for a rehearing, with the notice of action specifying the purpose of the rehearing.

■ 9. Amend § 2.28 by revising paragraph (a) to read as follows:

**§ 2.28 Reopening of cases.**

(a) *Favorable information*. Upon the receipt of new information of substantial significance favorable to the prisoner, the Regional Commissioner may reopen a case (including an original jurisdiction case), and order a special reconsideration hearing on the next available docket, or modify the previous decision. The advancement of a

presumptive release date requires the concurrence of two Commissioners.

\* \* \* \* \*

■ 10. Amend § 2.27 by revising paragraph (a) to read as follows:

**§ 2.27 Petition for reconsideration of original jurisdiction decisions.**

(a) A petition for reconsideration may be filed with the Commission in a case decided under the procedure specified in § 2.17 within thirty days of the date of such decision. A form is provided for this purpose. A petition for reconsideration will be reviewed at the next regularly scheduled meeting of the Commission provided the petition is received thirty days in advance of such meeting. A petition received by the Commission less than thirty days in advance of a regularly scheduled meeting will be reviewed at the next regularly scheduled meeting. The previous decision made under § 2.17 may be modified or reversed only by a majority vote of the Commissioners holding office at the time of the review of the petition. If a majority vote is not obtained, the previous decision shall stand. A decision under this rule shall be final.

\* \* \* \* \*

**§ 2.29 [Amended]**

■ 11. Amend § 2.29, paragraph (b) by removing “Community Treatment Center” and adding “community corrections center”.

**§ 2.33 [Amended]**

■ 12. Amend § 2.33, paragraph (c) by removing “adviser” and adding “advisor”.

**§ 2.34 [Amended]**

■ 13. Amend § 2.34 as follows:

■ a. Remove “disciplinary hearing officer” wherever that term appears in paragraphs (a) and (c) and add “Discipline Hearing Officer”.

■ b. In paragraph (a), remove “Community Treatment Center” and add “community corrections center”.

■ c. In paragraph (e), remove “examiner panel” and add “hearing examiner”, and remove “presiding”.

**§ 2.36 [Amended]**

■ 14. Amend § 2.36 by removing “Community Treatment Center” or “community treatment center” wherever the latter terms appear, and adding “community corrections center”.

**§ 2.43 [Amended]**

■ 15. Amend § 2.43, paragraph (d), by removing “in the region of supervision”.

■ 16. Amend § 2.49 by redesignating paragraphs (d) and (e) as paragraphs (e)

and (f), revising paragraphs (b)–(c) and adding paragraph (d) to read as follows:

**§ 2.49 Place of revocation hearing.**

\* \* \* \* \*

(b) The parolee shall also be given a local revocation hearing if he admits (or has been convicted of) one or more charged violations, but denies at least one unadjudicated charge that may be determinative of the Commission’s decision regarding revocation and/or reparole, and requests the presence of one or more adverse witnesses regarding that contested charge. If the appearance of such witness at the hearing is precluded by the Commission for good cause, a local revocation hearing shall not be ordered.

(c) If there are two or more alleged violations, the hearing may be conducted near the place of the violation chiefly relied upon as a basis for the issuance of the warrant or summons as determined by the Regional Commissioner.

(d)(1) A parolee shall be given an institutional revocation hearing upon the parolee’s return or recommitment to an institution if the parolee:

(i) Voluntarily waives the right to a local revocation hearing; or

(ii) Admits (or has been convicted of) one or more charged violations without contesting any unadjudicated charge that may be determinative of the Commission’s decision regarding revocation and/or reparole.

(2) On his own motion, the Regional Commissioner may designate any case described in paragraph (d)(1) of this section for a local revocation hearing. The difference in procedures between a “local revocation hearing” and an “institutional revocation hearing” is set forth in § 2.50(c).

\* \* \* \* \*

**§ 2.52 [Amended]**

■ 17. Amend § 2.52, paragraph (a)(1)(iii) by removing “residential community treatment center” and adding “community corrections center”.

**§ 2.64 [Amended]**

■ 18. Amend § 2.64 as follows:

■ a. In paragraph (b)(3), remove “by the Commission’s regional administrator”.

■ b. In paragraph (c)(2), remove “community treatment center” and add “community corrections center”.

■ c. In paragraph (c)(6), remove “§ 2.20” and add “§ 2.28”.

**§ 2.65 [Amended]**

■ 19. Amend § 2.65, paragraph (i), by removing “D.C. Code 24–206(a)” and adding “D.C. Code 24–406(a)”.

**§ 2.70 [Amended]**

■ 20. Amend § 2.70 as follows:

■ a. In paragraph (a), remove “D.C. Code 24–209” and add “D.C. Code 24–409”.

■ b. In paragraph (b), remove “D.C. Code 24–208” and “D.C. Code 24–804(a)” and add “D.C. Code 24–404 and 408” and “D.C. Code 24–904(a)”, respectively.

■ c. In paragraph (c), remove “D.C. Code 24–201(c)” and add “D.C. Code 24–401c”.

■ d. In paragraph (d), remove “D.C. Code 24–263 through 267” and add “D.C. Code 24–461 through 467”.

■ e. In paragraph (e), remove “D.C. Code 24–206” and add “D.C. Code 24–406”.

■ 21. Amend § 2.72 by revising paragraph (b), removing paragraphs (c) and (d), and redesignating paragraphs (e), (f), (g), and (h), as paragraphs (c), (d), (e), and (f).

The revised text is as follows:

**§ 2.72 Hearing procedure.**

\* \* \* \* \*

(b) A prisoner may have a representative at the hearing pursuant to § 2.13(b) and the opportunity for prehearing disclosure of file material pursuant to § 2.55.

\* \* \* \* \*

**§ 2.73 [Amended]**

■ 22. Amend § 2.73, paragraph (a), by removing “D.C. Code 24–204(a)” and adding “D.C. Code 24–404(a)”.

**§ 2.76 [Amended]**

■ 23. Amend § 2.76 by removing “D.C. Code 24–201c” wherever that term appears and adding “D.C. Code 24–401c”.

**§ 2.77 [Amended]**

■ 24. Amend § 2.77 as follows:

■ a. In paragraph (g)(1), remove “D.C. Code 22–2903, 22–3202 or 22–3204(b)” and “D.C. Code 24–267” and add “D.C. Code 22–4502, 22–4504(b), or 22–2803” and “D.C. Code 24–467”, respectively.

■ b. In paragraph (g)(2), remove “D.C. Code 24–262” and add “D.C. Code 24–462”.

**§ 2.78 [Amended]**

■ 25. Amend § 2.78 as follows:

■ a. In paragraph (e), remove “D.C. Code 24–265(c)(1)–(7)” and add “D.C. Code 24–465(c)(1)–(7)”.

■ b. In paragraph (g)(1), remove “D.C. Code 22–2903, 22–3202 or 22–3204(b)” and “D.C. Code 24–267” and add “D.C. Code 22–4502, 22–4504(b), or 22–2803” and “D.C. Code 24–467”, respectively.

■ c. In paragraph (g)(2) remove “D.C. Code 24–262” and add “D.C. Code 24–462”.

■ 26. Amend § 2.79 by removing “D.C. Code 24–204” and adding “D.C. Code 24–404”.

#### § 2.91 [Amended]

■ 27. Amend § 2.91, paragraph (a), by removing “D.C. Code 24–1233(c) and 4203(b)(4)” and adding “D.C. Code 24–133(c)”.

#### § 2.92 [Amended]

■ 28. Amend § 2.92, paragraph (a), by removing “D.C. Code 24–431(a)” and adding “D.C. Code 24–221.03(a) and 24–405”.

#### § 2.98 [Amended]

■ 29. Amend § 2.98, paragraph (e), by removing “D.C. Code 24–206(a)” and adding “D.C. Code 24–406(a)”.

#### § 2.100 [Amended]

■ 30. Amend § 2.100, paragraph (d)(2), by removing “D.C. Code 24–206(a)” and adding “D.C. Code 24–406(a)”.

■ 31. Amend § 2.102 by revising paragraph (d) to read as follows:

#### § 2.102 Place of revocation hearing.

\* \* \* \* \*

(d)(1) A parolee shall be given an institutional revocation hearing upon the parolee's return or recommitment to an institution if the parolee:

(i) Voluntarily waives the right to a local revocation hearing; or

(ii) Admits (or has been convicted of) one or more charged violations without contesting any adjudicated charge that may be determinative of the Commission's decision regarding revocation and/or reparole.

(2) An institutional revocation hearing may also be conducted in the District of Columbia jail or prison facility in which the parolee is being held. On his own motion, a Commissioner may designate any case described in paragraph (d)(1) of this section for a local revocation hearing. The difference in procedures between a “local revocation hearing” and an “institutional revocation hearing” is set forth in § 2.103(b).

\* \* \* \* \*

#### § 2.105 [Amended]

■ 32. Amend § 2.105 by removing “D.C. Code 24–206(a)” wherever it appears in paragraphs (b), (d), and (e) and adding “D.C. Code 24–406(a)”.

■ 33. Amend § 2.106 by revising paragraph (a) as set forth below, and, in paragraph (c), by removing “D.C. Code 24–805” and adding “D.C. Code 24–905”.

The revised text reads as follows:

#### § 2.106 Youth Rehabilitation Act.

(a) *Regulations governing YRA offenders and D.C. Code FYCA offenders.* Unless the judgment and commitment order provides otherwise, the provisions of this section shall apply to an offender sentenced under the Youth Rehabilitation Act of 1985 (D.C. Code 24–901 *et seq.*) (YRA) who committed his offense before 5 p.m., August 11, 2000, and a D.C. Code offender sentenced under the former Federal Youth Corrections Act (former 18 U.S.C. 5005 *et seq.*) (FYCA). An offender sentenced under the YRA who committed his offense (or who continued to commit his offense) on or after 5 p.m., August 11, 2000, is not eligible for release on parole, but may be terminated from a term of supervised release before the expiration of the term and receive a certificate setting aside the conviction under § 2.208(f). *See* D.C. Code 24–904(c) and 24–906(c).

\* \* \* \* \*

#### § 2.107 [Amended]

■ 34. Amend § 2.107, paragraph (a), by removing “D.C. Code 24–1233(b)(2)(G)” and “D.C. Code 24–251” and adding “D.C. Code 24–133(b)(2)(G)” and “D.C. Code 24–451”, respectively.

Dated: June 27, 2003.

Edward F. Reilly, Jr.,

Chairman, U.S. Parole Commission.

[FR Doc. 03–17175 Filed 7–11–03; 8:45 am]

BILLING CODE 4410–31–P

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[CGD09–03–235]

RIN 1625–AA00

#### Safety Zone; Gary Air and Water Show, Lake Michigan, Gary, IN

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

**SUMMARY:** The Coast Guard is establishing a temporary safety zone for the Gary Air and Water Show. The safety zone is necessary to protect vessels, participants and spectators during the Gary Air and Water Show. This safety zone is intended to restrict vessel from a portion of Lake Michigan.

**DATES:** This temporary final rule is effective from 8:30 a.m. on July 17, 2003, until 7 p.m. on July 20, 2003.

**ADDRESSES:** Comments and material received from the public, as well as

documents indicated in this preamble as being available in the docket, are part of docket [CGD09–03–235] and are available for inspection or copying at Marine Safety Office Chicago, 215 W. 83rd Street, Suite D, Chicago, Illinois 60527, between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

#### FOR FURTHER INFORMATION CONTACT:

MST2 Kenneth Brockhouse, U.S. Coast Guard Marine Safety Office Chicago, at (630) 986–2155.

#### SUPPLEMENTARY INFORMATION:

##### Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. The permit application was not received in time to publish an NPRM followed by a final rule before the effective date. Delaying this rule would be contrary to the public interest of ensuring the safety of spectators and vessels during this event and immediate action is necessary to prevent possible loss of life or property. The Coast Guard has not received any complaints or negative comments previously with regard to this event.

##### Background and Purpose

A temporary safety zone is necessary to ensure the safety of participants and spectators from the hazards associated with an air and water show. All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on scene patrol personnel. Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port Chicago or his designated on scene representative. The Captain of the Port Chicago's designated on scene representative will be the Patrol Commander. The Captain of the Port or his designated on scene representative may be contacted via VHF Channel 16.

##### Discussion of Rule

The safety zone will encompass all waters and adjacent shoreline of Lake Michigan bounded by the arc of a circle with a radius of 5 nautical miles with its center in approximate position 41°37'25" N, 087°15'42" W (off of Miller Beach Ogden Dunes). These coordinates are based upon North American Datum 1983 (NAD 1983).

## Regulatory Evaluation

This temporary rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that order. It is not significant under the regulatory policies and procedures of the Department of Homeland Security (DHS).

The Coast Guard expects the economic impact of this proposal to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary.

## Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), the Coast Guard considered whether this rule will have a significant impact on a substantial number of small businesses and not-for-profit organizations that are independently owned and operated are not dominant in their respective fields, and governmental jurisdictions with populations less than 50,000.

The Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601–612) that this temporary final rule will not have a significant economic impact on a substantial number of small entities.

## Assistance for Small Entities

In accordance with Section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), the Coast Guard offered to assist small entities in understanding this rule so that they can better evaluate its effectiveness and participate in the rulemaking process. Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions, call 1–888–REG–FAIR (1–888–734–3247).

## Collection of Information

This rule contains no information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

## Federalism

The Coast Guard has analyzed this rule under Executive Order 13132, Federalism, and has determined that

this rule does not have implications under that Order.

## Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 or more in any one year. Though this rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

## Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

## Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

## Protection of Children

The Coast Guard has analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

## Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

## Environment

We have considered the environmental impact of this rule and concluded that under figure 2–1, paragraph (34)(g), of Commandant Instruction M16475.IC, this rule is categorically excluded from further environmental documentation. A “Categorical Exclusion Determination” is available in the docket for inspection or copying where indicated under ADDRESSES.

## List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and Recordkeeping requirements, Security measures, Vessels, Waterways.

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

## PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. From 8:30 a.m. on July 17, 2003 through 7 p.m. on July 20, 2003 add a new temporary § 165.T09–235 to read as follows:

### § 165.T09–235 Safety Zone; Lake Michigan, Gary, Indiana.

(a) *Location.* The following is a safety zone: all waters and adjacent shoreline of Lake Michigan bounded by the arc of a circle with a radius of 5 nautical miles with its center in approximate position 41°37'25" N, 087°15'42" W (off of Miller Beach Ogden Dunes)(NAD 1983).

(b) *Enforcement periods.* This rule is effective from 8:30 a.m. on July 17, 2003, through 7 p.m. on July 20, 2003. This section will be enforced from 8:30 a.m. through 7 p.m. on July 18, 2003; from 8:30 a.m. through 7 p.m. on July 19, 2003; and again from 8:30 a.m. through 7 p.m. on July 20, 2003.

(c) *Regulations.* In accordance with § 165.23, entry into this zone is prohibited unless authorized by the Coast Guard Captain of the Port, Chicago, or the designated on scene representative. Section 165.23 also contains other general requirements.

Dated: June 30, 2003.

**Raymond E. Seebald,**  
Captain, U.S. Coast Guard, Captain of the Port Chicago.

[FR Doc. 03–17724 Filed 7–11–03; 8:45 am]

BILLING CODE 4910–15–P

## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

### 37 CFR Part 1

RIN 0651–AB60

### Revision of Patent Fees for Fiscal Year 2004

**AGENCY:** United States Patent and Trademark Office, Commerce.

**ACTION:** Final rule.

**SUMMARY:** The United States Patent and Trademark Office (referred to as “we”, “us”, or “our” in this document) is adjusting certain patent fee amounts to reflect fluctuations in the Consumer Price Index (CPI). Also, we are adjusting, by a corresponding amount, a few patent fees that track the affected fees. The Director is authorized to adjust these fees annually in accordance with the CPI to recover the higher costs associated with doing business.

Legislation has also been introduced in the Congress that would alter our fees. If enacted, this legislation would supersede the fees identified in this final rule.

**EFFECTIVE DATE:** October 1, 2003.

**FOR FURTHER INFORMATION CONTACT:** Matthew Lee by e-mail at [matthew.lee@uspto.gov](mailto:matthew.lee@uspto.gov), by telephone at (703) 305-8051, or by fax at (703) 305-8007.

**SUPPLEMENTARY INFORMATION:** This final rule adjusts our fees in accordance with the applicable provisions of title 35, United States Code, as amended by the Consolidated Appropriations Act, Fiscal Year 2000 (which incorporated the Intellectual Property and Communications Omnibus Reform Act of 1999) (Pub. L. 106-113). This final rule also adjusts, by a corresponding amount, a few patent fees (37 CFR 1.17(e), (r), (s), and (t)) that track statutory fees (either 37 CFR 1.16(a) or 1.17(m)).

Legislation has been introduced in the Congress that would alter our fees. Customers should be aware that legislative changes to our fees would supersede this final rule. If such changes occur, we will make corresponding rule changes by publication in the **Federal Register**. Customers may wish to refer to our official website at [www.uspto.gov](http://www.uspto.gov) for the most current fee amounts. Official notices of any fee changes will appear in the **Federal Register** and the *Official Gazette of the United States Patent and Trademark Office*.

A proposed rule notice was published at 68 FR 23092 on April 30, 2003, which requested comments by May 30, 2003. No comments were received.

**Background***Statutory Provisions*

Patent fees are authorized by 35 U.S.C. 41, 119, 120, 132(b) and 376. For fees paid under 35 U.S.C. 41(a) and (b) and 132(b), independent inventors, small business concerns, and nonprofit organizations who meet the

requirements of 35 U.S.C. 41(h)(1) are entitled to a fifty-percent reduction.

Section 41(f) of title 35, United States Code, provides that fees established under 35 U.S.C. 41(a) and (b) may be adjusted on October 1, 1992, and every year thereafter, to reflect fluctuations in the CPI over the previous twelve months.

Section 41(d) of title 35, United States Code, authorizes the Director to establish fees for all other processing, services, or materials related to patents to recover the average cost of providing these services or materials, except for the fees for recording a document affecting title, for each photocopy, for each black and white copy of a patent, and for standard library service.

Section 41(g) of title 35, United States Code, provides that new fee amounts established by the Director under section 41 may take effect thirty days after notice in the **Federal Register** and the *Official Gazette of the United States Patent and Trademark Office*.

*Fee Adjustment Level*

The patent statutory fees established by 35 U.S.C. 41(a) and (b) will be adjusted on October 1, 2003, to reflect fluctuations occurring during the twelve-month period from October 1, 2002, through September 30, 2003, in the Consumer Price Index for All Urban Consumers (CPI-U). The Office of Management and Budget has advised us that in calculating these fluctuations, we should use CPI-U data as determined by the Secretary of Labor. In accordance with previous fee-setting methodology, we base this fee adjustment on the Administration's projected CPI-U for the twelve-month period ending September 30, 2003, which is 2.08 percent. Based on this projected CPI-U, patent statutory fees will be adjusted by 2.08 percent.

Certain patent processing fees established under 35 U.S.C. 41(d), 119, 120, 132(b), 376, and Public Law 103-465 (the Uruguay Round Agreements Act) will be adjusted to reflect fluctuations in the CPI.

The fee amounts were rounded by applying standard arithmetic rules so that the amounts rounded will be convenient to the user. Fees for other than a small entity of \$100 or more were rounded to the nearest \$10. Fees of less than \$100 were rounded to an even number so that any comparable small entity fee will be a whole number.

*General Procedures*

Any fee amount that is paid on or after the effective date of the fee adjustment will be subject to the new fees then in effect. The amount of the

fee to be paid will be determined by the time of filing. The time of filing will be determined either according to the date of receipt in our office or the date reflected on a proper Certificate of Mailing or Transmission, where such a certificate is authorized under 37 CFR 1.8. Use of a Certificate of Mailing or Transmission is not authorized for items that are specifically excluded from the provisions of § 1.8. Items for which a Certificate of Mailing or Transmission under § 1.8 are not authorized include, for example, filing of Continued Prosecution Applications (CPAs) under § 1.53(d) and other national and international applications for patents. See 37 CFR 1.8(a)(2).

Patent-related correspondence delivered by the “Express Mail Post Office to Addressee” service of the United States Postal Service (USPS) is considered filed or received in our office on the date of deposit with the USPS. See 37 CFR 1.10(a)(1). The date of deposit with the USPS is shown by the “date-in” on the “Express Mail” mailing label or other official USPS notation.

To ensure clarity in the implementation of the new fees, a discussion of specific sections is set forth below.

**Discussion of Specific Rules***37 CFR 1.16 National Application Filing Fees*

Section 1.16, paragraphs (a), (b), (d), and (f) through (i), are revised to adjust fees established therein to reflect fluctuations in the CPI.

*37 CFR 1.17 Patent Application and Reexamination Processing Fees*

Section 1.17, paragraphs (a)(2) through (a)(5), (b) through (e), (m), and (r) through (t), are revised to adjust fees established therein to reflect fluctuations in the CPI.

*37 CFR 1.18 Patent Post Allowance (Including Issue) Fees*

Section 1.18, paragraphs (a) through (c), are revised to adjust fees established therein to reflect fluctuations in the CPI.

*37 CFR 1.20 Post Issuance Fees*

Section 1.20, paragraphs (e) through (g), are revised to adjust fees established therein to reflect fluctuations in the CPI.

*37 CFR 1.492 National Stage Fees*

Section 1.492, paragraphs (a)(1) through (a)(3), (a)(5), (b), and (d), are revised to adjust fees established therein to reflect fluctuations in the CPI.

## Other Considerations

This final rule contains no information collection requirements within the meaning of the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.* This final rule has been determined to be not significant for purposes of Executive Order 12866. This final rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism Assessment under Executive Order 13132 (August 4, 1999).

The Deputy General Counsel for General Law of the United States Patent and Trademark Office has certified to the Chief Counsel for Advocacy, Small Business Administration, that the final rule change will not have a significant economic impact on a substantial number of small entities (Regulatory Flexibility Act, 5 U.S.C. 605(b)). The final rule change increases fees to reflect the change in the CPI as authorized by 35 U.S.C. 41(f). Further, the principal impact of the major patent fees has already been taken into account in 35 U.S.C. 41(h)(1), which provides small entities with a fifty-percent reduction in the major patent fees. We received roughly 111,000 patent applications (approximately 33 percent of total patent applications) last year from small entities. Since the average small entity fee will increase by less than \$10, with a minimum increase of \$1 and a maximum increase of \$35, there will not be a significant economic impact on a substantial number of small entities due to this final rule change.

## List of Subjects in 37 CFR Part 1

Administrative practice and procedure, Patents.

■ For the reasons set forth in the preamble, we are amending title 37 of the Code of Federal Regulations, Part 1, as set forth below.

## PART 1—RULES OF PRACTICE IN PATENT CASES

■ 1. The authority citation for 37 CFR Part 1 continues to read as follows:

**Authority:** 35 U.S.C. 2, unless otherwise noted.

■ 2. Section 1.16 is amended by revising paragraphs (a), (b), (d), and (f) through (i) to read as follows:

### § 1.16 National application filing fees.

(a) Basic fee for filing each application for an original patent, except provisional, design, or plant applications:

By a small entity (§ 1.27(a)) .....	\$385.00
By other than a small entity .....	\$770.00

(b) In addition to the basic filing fee in an original application, except provisional applications, for filing or later presentation of each independent claim in excess of 3:

By a small entity (§ 1.27(a)) .....	\$43.00
By other than a small entity .....	\$86.00

\* \* \* \* \*

(d) In addition to the basic filing fee in an original application, except provisional applications, if the application contains, or is amended to contain, a multiple dependent claim(s), per application:

By a small entity (§ 1.27(a)) .....	\$145.00
By other than a small entity .....	\$290.00

\* \* \* \* \*

(f) Basic fee for filing each design application:

By a small entity (§ 1.27(a)) .....	\$170.00
By other than a small entity .....	\$340.00

(g) Basic fee for filing each plant application, except provisional applications:

By a small entity (§ 1.27(a)) .....	\$265.00
By other than a small entity .....	\$530.00

(h) Basic fee for filing each reissue application:

By a small entity (§ 1.27(a)) .....	\$385.00
By other than a small entity .....	\$770.00

(i) In addition to the basic filing fee in a reissue application, for filing or later presentation of each independent claim which is in excess of the number of independent claims in the original patent:

By a small entity (§ 1.27(a)) .....	\$43.00
By other than a small entity .....	\$86.00

\* \* \* \* \*

■ 3. Section 1.17 is amended by revising paragraphs (a)(2) through (a)(5), (b) through (e), (m), and (r) through (t) to read as follows:

### § 1.17 Patent application and reexamination processing fees.

(a) \* \* \*

(1) \* \* \*

(2) For reply within second month:

By a small entity (§ 1.27(a)) .....	\$210.00
By other than a small entity .....	\$420.00

(3) For reply within third month:

By a small entity (§ 1.27(a)) .....	\$475.00
By other than a small entity .....	\$950.00

(4) For reply within fourth month:

By a small entity (§ 1.27(a)) .....	\$740.00
By other than a small entity .....	\$1,480.00

(5) For reply within fifth month:

By a small entity (§ 1.27(a)) .....	\$1,005.00
By other than a small entity .....	\$2,010.00

(b) For filing a notice of appeal from the examiner to the Board of Patent Appeals and Interferences:

By a small entity (§ 1.27(a)) .....	\$165.00
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By other than a small entity .....	\$330.00
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(c) In addition to the fee for filing a notice of appeal, for filing a brief in support of an appeal:

By a small entity (§ 1.27(a)) .....	\$165.00
By other than a small entity .....	\$330.00

(d) For filing a request for an oral hearing before the Board of Patent Appeals and Interferences in an appeal under 35 U.S.C. 134:

By a small entity (§ 1.27(a)) .....	\$145.00
By other than a small entity .....	\$290.00

(e) To request continued examination pursuant to § 1.114:

By a small entity (§ 1.27(a)) .....	\$385.00
By other than a small entity .....	\$770.00

\* \* \* \* \*

(m) For filing a petition for the revival of an unintentionally abandoned application, for the unintentionally delayed payment of the fee for issuing a patent, or for the revival of an unintentionally terminated reexamination proceeding under 35 U.S.C. 41(a)(7) (§ 1.137(b)):

By a small entity (§ 1.27(a)) .....	\$665.00
By other than a small entity .....	\$1,330.00

\* \* \* \* \*

(r) For entry of a submission after final rejection under § 1.129(a):

By a small entity (§ 1.27(a)) .....	\$385.00
By other than a small entity .....	\$770.00

(s) For each additional invention requested to be examined under § 1.129(b):

By a small entity (§ 1.27(a)) .....	\$385.00
By other than a small entity .....	\$770.00

(t) For the acceptance of an unintentionally delayed claim for priority under 35 U.S.C. 119, 120, 121, or 365(a) or (c) (§§ 1.55 and 1.78) .....

	\$1,330.00
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■ 4. Section 1.18 is amended by revising paragraphs (a) through (c) to read as follows:

### § 1.18 Patent post allowance (including issue) fees.

(a) Issue fee for issuing each original or reissue patent, except a design or plant patent:

By a small entity (§ 1.27(a)) .....	\$665.00
By other than a small entity .....	\$1,330.00

(b) Issue fee for issuing a design patent:

By a small entity (§ 1.27(a)) .....	\$240.00
By other than a small entity .....	\$480.00

(c) Issue fee for issuing a plant patent:

By a small entity (§ 1.27(a)) .....	\$320.00
By other than a small entity .....	\$640.00

\* \* \* \* \*

■ 5. Section 1.20 is amended by revising paragraphs (e) through (g) to read as follows:

**§ 1.20 Post issuance fees.**

\* \* \* \* \*

(e) For maintaining an original or reissue patent, except a design or plant patent, based on an application filed on or after December 12, 1980, in force beyond four years; the fee is due by three years and six months after the original grant:

By a small entity (§ 1.27(a)) .....	\$455.00
By other than a small entity .....	\$910.00

(f) For maintaining an original or reissue patent, except a design or plant patent, based on an application filed on or after December 12, 1980, in force beyond eight years; the fee is due by seven years and six months after the original grant:

By a small entity (§ 1.27(a)) .....	\$1,045.00
By other than a small entity .....	\$2,090.00

(g) For maintaining an original or reissue patent, except a design or plant patent, based on an application filed on or after December 12, 1980, in force beyond twelve years; the fee is due by eleven years and six months after the original grant:

By a small entity (§ 1.27(a)) .....	\$1,610.00
By other than a small entity .....	\$3,220.00

\* \* \* \* \*

■ 6. Section 1.492 is amended by revising paragraphs (a)(1) through (a)(3), (a)(5), (b), and (d) to read as follows:

**§ 1.492 National stage fees.**

\* \* \* \* \*

(a) The basic national fee:

(1) Where an international preliminary examination fee as set forth in § 1.482 has been paid on the international application to the United States Patent and Trademark Office:

By a small entity (§ 1.27(a)) .....	\$365.00
By other than a small entity .....	\$730.00

(2) Where no international preliminary examination fee as set forth in § 1.482 has been paid to the United States Patent and Trademark Office, but an international search fee as set forth in § 1.445(a)(2) has been paid on the international application to the United States Patent and Trademark Office as an International Searching Authority:

By a small entity (§ 1.27(a)) .....	\$385.00
By other than a small entity .....	\$770.00

(3) Where no international preliminary examination fee as set forth in § 1.482 has been paid and no international search fee as set forth in § 1.445(a)(2) has been paid on the international application to the United States Patent and Trademark Office:

By a small entity (§ 1.27(a)) .....	\$540.00
By other than a small entity .....	\$1,080.00

(4) \* \* \*

(5) Where a search report on the international application has been prepared by the European Patent Office or the Japan Patent Office:

By a small entity (§ 1.27(a)) .....	\$460.00
By other than a small entity .....	\$920.00

(b) In addition to the basic national fee, for filing or later presentation of each independent claim in excess of 3:

By a small entity (§ 1.27(a)) .....	\$43.00
By other than a small entity .....	\$86.00

\* \* \* \* \*

(d) In addition to the basic national fee, if the application contains, or is amended to contain, a multiple dependent claim(s), per application:

By a small entity (§ 1.27(a)) .....	\$145.00
By other than a small entity .....	\$290.00

\* \* \* \* \*

Dated: July 7, 2003.

**James Rogan,**

*Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.*

[FR Doc. 03-17652 Filed 7-11-03; 8:45 am]

BILLING CODE 3510-16-P

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 180****[OPP-2003-0138; FRL-7311-6]****Aspergillus flavus AF36; Exemption from the Requirement of a Tolerance**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** This regulation establishes an exemption from the requirement of a tolerance for residues of the microbial antifungal agent *Aspergillus flavus* AF36, a non-aflatoxin-producing member of the naturally-occurring genus of fungi *Aspergillus*, in or on the food/feed commodity cotton, when the pesticide is used according to its label instructions as a prebloom application. The Interregional Research Project Number 4 (IR-4), on behalf of the Arizona Cotton Research and Protection Council, submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), as amended by the Food Quality Protection Act of 1996 (FQPA), requesting an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of *Aspergillus flavus* AF36 in or on cotton and its food/feed commodities.

**DATES:** This regulation is effective July 14, 2003. Objections and requests for

hearings, identified by docket ID number OPP-2003-0138, must be received on or before September 12, 2003.

**ADDRESSES:** Written objections and hearing requests may be submitted by mail or through hand delivery/courier. Follow the detailed instructions as provided in Unit IX. of the

**SUPPLEMENTARY INFORMATION.****FOR FURTHER INFORMATION CONTACT:**

Shanaz Bacchus, Biopesticides and Pollution Prevention Division (7511C), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 308-8097; e-mail address: bacchus.shanaz@epa.gov.

**SUPPLEMENTARY INFORMATION:****I. General Information****A. Does this Action Apply to Me?**

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS code 111)
- Animal production (NAICS code 112)
- Food manufacturing (NAICS code 311)
- Pesticide manufacturing (NAICS code 32532)

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. To determine whether you or your business may be affected by this action, you should carefully examine the applicability provisions. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

**B. How Can I Get Copies of this Document and Other Related Information?**

1. *Docket.* EPA has established an official public docket for this action under docket identification (ID) number OPP-2003-0138. The official public docket is intended to serve as a repository for materials (i.e., documents and other information) submitted to the Agency in connection with this action and/or relied upon by the Agency in



taking this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is available for public viewing at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305-5805. To the extent that a particular document is not located in the official public docket, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

The legacy docket for this case is OPP-2003-0020, which was set up in connection with the Notice of Filing of this pesticide petition, 8E5001. It contains the **Federal Register** Notice dated February 14, 2003, (68 FR 7554), which was published to announce this petition, other relevant **Federal Register** documents associated with the exemption from temporary tolerance which preceded this permanent exemption from tolerance, and comments received in response to the publication of this petition.

2. **Electronic access.** You may access this **Federal Register** document electronically through the EPA Internet under the "**Federal Register**" listings at <http://www.epa.gov/fedrgstr/>. A frequently updated electronic version of 40 CFR part 180 is available at [http://www.access.gpo.gov/nara/cfr/cfrhtml/00/Title\\_40/40cfr180\\_00.html](http://www.access.gpo.gov/nara/cfr/cfrhtml/00/Title_40/40cfr180_00.html), a beta site currently under development. To access the OPPTS Harmonized Guidelines referenced in this document, go directly to the guidelines at <http://www.epa.gov/opptsfrs/home/guidelin.htm>.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at <http://www.epa.gov/edocket/> to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Once in the system, select "search," then key in the appropriate docket ID number.

## II. Background and Statutory Findings

In the **Federal Register** of February 14, 2003 (68 FR 7554) (FRL-7289-9), EPA issued a notice pursuant to section 408 of the FFDCA, 21 U.S.C. 346a, as amended by FQPA (Public Law 104-170), announcing the filing of a

pesticide tolerance petition (PP 8E5001) by Interregional Research Project Number 4 (IR-4), New Jersey Agricultural Experiment Station, Technology Center of New Jersey, 681 U. S. Highway #1 South, North Brunswick, NJ 08902-3390, on behalf of the Arizona Cotton Research and Protection Council, 3721 East Wier Avenue, Phoenix, AZ 85040-2933. This notice included a summary of the petition prepared by the petitioner, IR-4, on behalf of the Arizona Cotton Research and Protection Council. In response to the notice of filing of this petition, comments in favor of the use of the pesticide were received from cotton growers, processors and ginners, mainly from Arizona and Texas.

The petition requested that 40 CFR 180.1206 be amended by establishing an exemption from the requirement of a tolerance for residues of *Aspergillus flavus* AF36 in or on cotton and its food/feed commodities.

Section 408(c)(2)(A)(i) of the FFDCA allows EPA to establish an exemption from the requirement of a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the exemption is "safe." Section 408(c)(2)(A)(ii) of the FFDCA defines "safe" to mean that "there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information." This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of the FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . ." Additionally, section 408(b)(2)(D) of the FFDCA requires that the Agency consider "available information" concerning the cumulative effects of a particular pesticide's residues and "other substances that have a common mechanism of toxicity."

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. First, EPA determines the toxicity of pesticides. Second, EPA examines exposure to the pesticide through food, drinking water, and through other exposures that occur as a result of pesticide use in residential settings.

## III. Toxicological Profile

Consistent with section 408(b)(2)(D) of the FFDCA, EPA has reviewed the available scientific data and other relevant information in support of this action and considered its validity, completeness, and reliability, and the relationship of this information to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

*Aspergillus flavus* AF36 (also referred to as AF36) is a non-aflatoxin-producing or atoxigenic strain of *Aspergillus flavus*, whose species are ubiquitous around the world. Some members of the genus *Aspergillus* produce mycotoxins, such as aflatoxin, a potent carcinogen produced by toxigenic strains of *A. flavus*. Other members of the genus *Aspergillus* have been domesticated for commercial use, such as *Aspergillus niger* for production of enzymes (e.g., alpha-galactosidase found in beano, a dietary supplement) and *Aspergillus oryzae* for production of soy sauce. The subject strain of this final rule, *Aspergillus flavus* AF36, is characterized as an atoxigenic strain by its lack of production of aflatoxin. It is not vegetatively compatible with the toxigenic strains of *A. flavus*, a feature which limits cross-over potential to, and, thus, further proliferation of, the toxigenic strains. Starter cultures, selected on the basis of the vegetative incompatibility with aflatoxin-producing strains, are to be monitored by standard thin layer chromatography (TLC) procedures, and visualization via scanning fluorescence densitometry scanning [Master Record Identification Number (MRID) 44626101; BPPD Data Evaluation Report of Analysis of Samples, dated March 29, 1999 (hereinafter referred to as "BPPD review - March 29, 1999"); BPPD Review of Supplementary Information dated May 14, 1999 (hereinafter referred to as "BPPD review - May 14, 1999")]. In this manner, the applicant proposes to maintain batches free of aflatoxin contamination during production. Batches contaminated with aflatoxin, or human pathogens, or unintentional ingredients above regulatory levels are to be destroyed. Thus, use of AF36 is not likely to add to the environmental burden of the aflatoxin-producing strains of *A. flavus*.

The pesticide is proposed for a single prebloom application once a year to cotton fields to displace the aflatoxin-producing strains of *Aspergillus flavus* from cotton. Sterilized wheat seeds, colonized with *Aspergillus flavus* AF36,



are to be applied at 10 lb of end-use product (EP) (equivalent to the low rate of less than 0.01 lb active ingredient (ai) per acre). Within 3 days of application of the pesticide, the fields are furrow irrigated to promote germination of AF36, which apparently colonizes the cotton crop and soil, before the aflatoxin-producing strains of *A. flavus* proliferate. This competitive exclusion of the aflatoxin-producing strains does not increase the total *Aspergillus* population in the environment above background levels as demonstrated in soil and air monitoring studies. [MRIDs 45307201, 45307202; BPPD Review of Soil and Air Monitoring Studies and Product Performance Testing (Efficacy), dated May 15, 2003 (hereinafter referred to as "BPPD Review - May 15, 2003")]. The displacement of the toxigenic strain of *Aspergillus flavus* by AF36 may reduce aflatoxin contamination of cotton seed.

The toxicology and pathogenicity data generated by the petitioner in support of this tolerance exemption, and reviewed by the Agency, are summarized below. The following discussion of the evaluations of the submitted studies and information indicates that exposure to the pesticide is not likely to be greater than that which occurs normally to other ubiquitous *A. flavus* strains. Submitted data also indicate no toxicity or infectivity of AF36 in test mammalian systems. More detailed analyses of these studies can be found in the specific Agency reviews of the studies that are cited below.

1. *Acute oral toxicity/pathogenicity (OPPTS Harmonized Guideline 885.3050; MRID 43972403)*. Agency evaluation of submitted acute oral study indicates no toxicity/infectivity effects of the pesticide. Five male, and five female Sprague Dawley rats were treated orally with the microbial pesticide (500 milligrams/milliliter (mg/mL) or  $6.3 \times 10^3$  cfu/mL) by gavage. No clinical signs or abnormalities were noted during the study, and the pesticide was considered to be neither toxic nor infective following oral administration of a single dose. The acute oral test resulted in a Toxicity Category IV classification with a lethal dose (LD)<sub>50</sub> greater than 5,000 milligrams/kilogram (mg/kg) body weight [MRID 43972403; BPPD Data Evaluation Report, Acute Oral Toxicity Study in Rats, dated April 23, 1996 (hereinafter referred to as "BPPD Review - April 23, 1996")].

2. *Acute pulmonary toxicity/pathogenicity (OPPTS Harmonized Guideline 885.3150; MRID 45798201)*. The Agency required an intratracheal pulmonary infectivity/pathogenicity study. This test involves intratracheal

instillation of the test material and post mortem examination of lungs and other organs for clearance.

Three studies were submitted in support of the mammalian acute infectivity/pathogenicity pulmonary guideline: A range finding study and two complete acute pulmonary studies. The dose-range study concluded that  $10^8$  cfu/rat would be a suitable test dose level for the acute pulmonary studies [MRID 45739101; BPPD Data Evaluation Report, dated April 02, 2003a (hereinafter referred to as "BPPD Review - April 02, 2003a")]. In the first acute pulmonary study, conducted with Tween 80 as a surfactant in the test material, 26 male and 26 female Sprague Dawley rats (approximately 8 to 10 weeks old) each were dosed with a single intratracheal dose of 1.2 mL/kg at  $5.30 \times 10^8$  cfu/mL (or 1.28 to  $1.63 \times 10^8$  cfu/animal). Results from this study indicated that the test organism was neither infective nor pathogenic, in spite of rat mortality, which is believed to have been due to a severe acute inflammatory response to the Tween 80 [MRID 45798101; BPPD Data Evaluation Report, dated April 02, 2003a (hereinafter referred to as "BPPD Review - April 02, 2003b")].

In the second acute pulmonary study, which was a repetition of the first acute pulmonary test, but was conducted without Tween 80, 25 male and 25 female Sprague Dawley rats (approximately 8 to 10 weeks old) each received a single intratracheal dose of approximately 1.2 mL/kg. Mortality of 4 rats by day 2 appeared to be attributable to an initial dosing effect. The rest of the test animals showed an initial response, followed by a rapid recovery indicating no toxicity. Although some surviving rats lost weight intermittently, all surviving rats gained weight prior to scheduled sacrifice. No clinical signs that were considered to be due to the test organism were observed in the test rats. Organs were examined *post mortem* as previously described. *Aspergillus flavus* AF36 was detected in the lungs with clearance by day 8 after dosing. No test organisms were detected in any samples from the shelf control or inactivated test organism treated rats. Based on the presented/submitted data, including the clearance data, the test organism, *Aspergillus flavus* AF36, was considered not toxic, infective, or pathogenic to the rat pulmonary system. The study is acceptable.

3. *Acute inhalation (OPPTS Harmonized Guideline 152-32)*. The inert is sterilized wheat seeds, comprising approximately 99% of this pesticidal product. It acts as a matrix and nutrient source for the germinating

AF36. Because this constitutes the majority of the pesticide and does not contain respirable particles of less than 10 microns, an inhalation study was not required pursuant to 40 CFR 158.740(c). In addition, based on the results obtained through the acute pulmonary toxicity/pathogenicity studies summarized immediately above, AF36 is considered not toxic, infective, or pathogenic to the rat pulmonary system. On the basis of this study and the nature of the inert ingredients present, the pesticide was considered Toxicity Category III for acute inhalation effects. [MRID 45798201; BPPD Data Evaluation Report, dated April 02, 2003c (hereinafter referred to as "BPPD Review - April 02, 2003c")].

4. *Hypersensitivity incidents (OPPTS Harmonized Guideline 152-37; MRID 45739104)*. The registrant submitted information (MRID 45739104) to demonstrate the lack of hypersensitivity to workers who have been exposed during the manufacture, application, and use of the pesticide in the research and experimental phases. No adverse hypersensitivity reaction to AF36 was recorded or reported by a state council or six companies during use for 3 or 6 years [MRID 45739104; BPPD Data Evaluation Report, dated April 02, 2003d (hereinafter referred to as "BPPD Review - April 02, 2003d")]. However, to comply with the Agency's requirements under section 6(a)(2), any incident of hypersensitivity associated with the use of this pesticide must be reported to the Agency.

5. *Data waivers*. Data waivers were requested for the following studies:

- i. Acute dermal toxicity/pathogenicity (OPPTS Harmonized Guideline 885.3100)
- ii. Primary dermal irritation (OPPTS Harmonized Guideline 870.2500)
- iii. Primary eye irritation (OPPTS Harmonized Guideline 870.2400)
- iv. Intravenous, intracerebral, intraperitoneal injection (OPPTS Harmonized Guideline 885.3200)
- v. Hypersensitivity study (40 CFR 152-36)
- vi. Immune response (40 CFR 152-38)

With regards to the dermal and eye irritation guideline tests, it was impractical to apply the end-use product, sterilized wheat seeds inoculated with *Aspergillus flavus* AF36, as test material. Furthermore, non-occupational dermal and eye exposures, or exposures via any of the routes in Unit III.5.i.—vi., are not likely to be above naturally-occurring background levels for the following reasons.

First, *Aspergillus flavus*, a saprophytic fungus, is a normal

constituent of the microflora in air and soil. The naturally occurring soil and plant colonizer is also found on living and dead plant material throughout the world. Aflatoxin-producing strains of *Aspergillus flavus* are particularly prominent in hot, dry climates supplemented with irrigation and are ubiquitous components of the natural Arizona desert ecosystem. Quantities of *A. flavus* typically increase during crop production and the fungus occurs widely on crop debris left in the soil. Shortly after application, AF36 germinates, apparently displaces the aflatoxin-producing strains from cotton and the soil, and spore levels return to normal background, without increase of total *A. flavus*. This was demonstrated in soil and air monitoring studies submitted over multiple years of experimental usage [BPPD Review - May 15, 2003]. Thus exposures to AF36 are not likely to increase above those normally associated with the naturally occurring *A. flavus* background levels.

Second, the application rate is low, being less than 0.01 lb active ingredient per acre, and agricultural sites are treated, thus minimizing non-occupational and residential exposure. The proposed label rate is less than 0.01 pound of active ingredient in 10 pounds end-use product, or approximately  $1.34 \times 10^7$  colony forming units (cfu) per acre.

Finally, drift is not expected during application based on the large granular nature of the pesticide (i.e., sterilized inoculated wheat seeds). In addition, only one prebloom application is made, and cultivation is not recommended after application. Thus, once again, the potential for non-occupational dermal and residential exposure is unlikely.

The acute oral toxicological study demonstrated an LD<sub>50</sub> of greater than 5,000 mg/kg with no toxicity/infectivity effects, and demonstrable clearance from organs examined *post mortem* [MRID 43972403; BPPD Review - April 23, 1996]. This rationale supported the request to waive the acute intraperitoneal study.

A hypersensitivity study was waived since hypersensitivity incidents were not reported from maximally exposed workers and researchers during the research and experimental phases associated with the use of the active ingredient, *A. flavus* AF36 [BPPD Review - April 02, 2003d]. Nevertheless, reports of hypersensitivity incidents associated with the use of the pesticide are still required to comply with FIFRA section 6(a)(2) requirements.

Submitted toxicity/pathogenicity studies in the rodent (required for microbial pesticides) also indicate that

following oral and pulmonary routes of exposure [BPPD Review - April 23, 1996; BPPD Review - April 02, 2003c], the immune system is still intact and able to process and clear the active ingredient. Thus, the request to waive the immune response study was granted.

On the basis of the foregoing rationales, and there being no documented problems associated with the non-aflatoxin producing strain, *Aspergillus flavus* AF36, data waivers for the studies listed in Unit III.5.i.—vi., were granted to the applicant for the proposed use of *Aspergillus flavus* AF36 on cotton.

6. *Subchronic, chronic toxicity and oncogenicity, and residue.* Based on the data generated in accordance with the Tier I data requirements set forth in 40 CFR 158.740(c), the Tier II and Tier III data requirements were not triggered and, therefore, not required in connection with this action. In addition, because the Tier II and Tier III data requirements were not required, the residue data requirements set forth in 40 CFR 158.740(b) also were not required.

#### IV. Aggregate Exposures

In examining aggregate exposure, section 408 of the FFDCA directs EPA to consider available information concerning exposures from the pesticide residue in food and all other non-occupational exposures, including drinking water from ground water or surface water and exposure through pesticide use in gardens, lawns, or buildings (residential and other indoor uses).

There is a potential for aggregate exposure of adult humans, infants and children to the microbe because of the ubiquitous distribution of *Aspergillus* fungal strains in the environment. The Agency has considered the incremental exposure and risk associated with the proposed application of this strain of *Aspergillus flavus*, AF36, as summarized below, and concludes that use of AF36 is not likely to add an incremental risk above that posed by the normal exposure of adults, infants and children to *Aspergillus flavus* strains present in the environment. In fact, use of the pesticide, AF36, may decrease potential environmental aflatoxin exposure to exposed populations.

##### A. Dietary Exposure

1. *Food.* Based on submitted studies, the end-use product, *Aspergillus flavus* AF36, demonstrates low acute oral toxicity category IV potential [BPPD Review - April 23, 1996]. No toxicity endpoints were indicated to justify setting a numerical tolerance for the

fungal active ingredient, *Aspergillus flavus* AF36. An LD<sub>50</sub> greater than 5,000 mg/kg body weight, in the acute oral studies discussed above, indicates that consumption of food commodities treated with AF36 poses no incremental risk via dietary exposure. Indeed, the submitted data indicate no toxicity or infectivity of AF36 in the acute oral test mammalian systems.

Cotton itself is not a food commodity. Residues of *A. flavus* AF36, the microbial active ingredient, are not likely to survive the heating and pressure associated with the processing of cottonseed into cottonseed meal. Moreover, *A. flavus* AF36 will not separate into the edible fraction, cotton seed oil. Thus, potential transfer of residues of *A. flavus* AF36 to edible cotton food/feed commodities is not expected. Consequently, human dietary exposure to *A. flavus* AF36 via cottonseed oil, or by secondary transfer of *A. flavus* AF36 residues to meat and milk via cottonseed meal, is not expected. Therefore, the Agency has determined that dietary exposure to *A. flavus* AF36 is not likely to result in any undue health effects and risk.

While the Agency has concluded that AF36 is not likely to add to the dietary burden, any potential contribution by AF36 to aflatoxin contamination was also considered, for a conservative estimate of the health effects of this pesticide. This is because aflatoxin is considered a public health hazard (see Unit VII.D.) and AF36 is proposed as a biocontrol agent for aflatoxin-producing strains of *A. flavus*. Even if AF36 does not control aflatoxin levels in the treated cotton food/feed commodities, a safety net exists in the screening of cotton and its by-products for aflatoxin prior to their introduction into the channels of commerce. For instance, FDA does not allow cotton seed products containing aflatoxin above 20 parts per billion (ppb) to be used in dairy rations or above 300 ppb to be used for feeding beef cattle. As previously stated, the registrant claims that quality control and selection procedures will not allow aflatoxin production in the starter cultures for pesticide manufacture [BPPD review - March 29, 1999; BPPD review - May 14, 1999]. Any batches with aflatoxin are to be destroyed. For these reasons, the Agency has determined that use of AF36 will not add to the dietary burden of aflatoxin, but is rather more likely to ameliorate aflatoxin levels in treated cotton food/feed commodities. Therefore, dietary exposure to aflatoxin, as a result of AF36 use, is not likely to be greater, and may even be less, than that which currently exists.

2. *Drinking water exposure.* Exposure to AF36 via drinking water is not likely to be greater than current/existing exposures to *A. flavus* strains. Potential risks via exposure to drinking water or runoff are adequately mitigated by, among other things, percolation through soil. Thus, exposure via drinking water from the proposed use of this non-aflatoxin-producing strain of *Aspergillus flavus* is not likely to pose any incremental risk to adult humans, infants and children. In fact, displacement of the toxigenic strains of *A. flavus* by AF36 may decrease exposure and risk to the toxigenic strains of *A. flavus* in the environment.

#### B. Other Non-Occupational Exposure

1. *Dermal exposure.* The potential for non-occupational dermal exposure to AF36 is unlikely because the potential use sites, are commercial and agricultural, and because of the granular nature of the pesticide, which minimizes spray drift. As discussed earlier (see Unit III.), lack of hypersensitivity incidents, low application rates, and return of levels of *Aspergillus flavus* to background shortly after germination, poses minimal risk to populations via dermal, non-occupational exposure. Thus, dermal non-occupational exposure to the non-aflatoxin strain is not likely to be greater than the existing exposure to *A. flavus* at current levels.

2. *Inhalation exposure.* For the reasons stated immediately above, non-occupational inhalation exposure to AF36 is not expected to be greater than that which currently exists for *A. flavus* strains.

#### V. Cumulative Effects

Section 408(b)(2)(D)(v) of the FFDCA requires the Agency to consider the cumulative effect of exposure to *Aspergillus flavus* AF36 and to other substances that have a common mechanism of toxicity. These considerations include the possible cumulative effects of such residues on infants and children. *Aspergillus flavus* AF36 does not appear to be toxic or pathogenic to humans. There is no indication that the fungus *A. flavus* AF36 shares any common mechanisms of toxicity with other registered pesticides. In addition, there are no other registered pesticide products containing *Aspergillus flavus* AF36, and other *A. flavus* strains abound naturally in the environment. Moreover, the displacement of the toxigenic strain of *A. flavus* by AF36 may reduce aflatoxin contamination of cottonseed. Based on the low toxicity potential of AF36, the fact that it is non-aflatoxigenic, and the

safety net already in place to monitor for aflatoxin, no cumulative or incremental effect is expected from the use of AF36 on cotton.

#### VI. Determination of Safety for U.S. Population, Infants and Children

There is reasonable certainty that no harm will result from aggregate exposures to residues of *A. flavus* AF36, in its use as an antifungal agent, to the U. S. population, including infants and children. This includes all anticipated dietary exposures and all other exposures for which there is reliable information. As discussed previously, there appears to be no potential for harm, from this fungus in its use as an antifungal agent via dietary exposure since the organism is non-toxic and non-pathogenic to animals and humans. The Agency has arrived at this conclusion based on the very low levels of mammalian toxicity for acute oral and pulmonary effects with no toxicity or infectivity at the doses tested (see Unit III above). Moreover, non-occupational inhalation or dermal exposure is not expected above background levels (see Unit V).

FFDCA section 408(b)(2)(C) provides that EPA shall apply an additional ten-fold margin of exposure (safety) for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the data base unless EPA determines that a different margin of exposure (safety) will be safe for infants and children. Margins of exposure (safety) are often referred to as uncertainty (safety) factors. In this instance, based on all the available information, the Agency concludes that the fungus, *A. flavus* AF36, is non-toxic to mammals, including infants and children. Because there are no threshold effects of concern to infants, children and adults when *A. flavus* AF36 is used as labeled, the provision requiring an additional margin of safety does not apply. As a result, EPA has not used a margin of exposure (safety) approach to assess the safety of *A. flavus* AF36.

#### VII. Other Considerations

##### A. Endocrine Disruptors

EPA is required under the FFDCA, as amended by FQPA, to develop a screening program to determine whether certain substances (including all pesticide active and other ingredients) "may have an effect in humans that is similar to an effect produced by a naturally-occurring estrogen, or other such endocrine effects as the Administrator may designate." Following the recommendations of its

Endocrine Disruptor Screening and Testing Advisory Committee (EDSTAC), EPA determined that there was scientific basis for including, as part of the program, the androgen-and thyroid systems, in addition to the estrogen hormone system. EPA also adopted EDSTAC's recommendation that the program include evaluations of potential effects in wildlife. For pesticide chemicals, EPA will use FIFRA and, to the extent that effects in wildlife may help determine whether a substance may have an effect in humans, FFDCA authority, to require the wildlife evaluations. As the science develops and resources allow, screening of additional hormone systems may be added to the Endocrine Disruptor Screening Program (EDSP).

The Agency is not requiring information on the endocrine effects of this active ingredient, *Aspergillus flavus* AF36, at this time. The Agency has considered, among other relevant factors, available information concerning whether the microorganism may have an effect in humans similar to an effect produced by a naturally occurring estrogen or other endocrine effects. There is no known metabolite that acts as an "endocrine disrupter" produced by this microorganism. The submitted toxicity/infectivity or pathogenicity studies in the rodent (required for microbial pesticides) indicate that, following oral and pulmonary routes of exposure, the immune system is still intact and able to process and clear the active ingredient (see Unit III.). In addition, based on the low potential exposure level associated with the proposed single, seasonal, prebloom application of the pesticide, the Agency expects no adverse effects to the endocrine or immune systems.

##### B. Analytical Method

The Agency proposes to establish an exemption from the requirement of a tolerance without any numerical limitation. Accordingly, the Agency has concluded that for an exemption from tolerance, analytical methods are not needed for enforcement purposes for residues of *Aspergillus flavus* AF36 on treated cotton. Nonetheless, and for purposes of clarification, analytical methods are still required for product characterization, quality control, and quality assurance for manufacturing purposes [BPPD review - March 29, 1999; BPPD review - May 14, 1999]. Vegetative compatibility tests are used to screen starter cultures to identify the non-aflatoxin-producing *Aspergillus flavus* AF36 strain. Starter cultures of AF36 are also selected on the basis of

the lack of aflatoxin as monitored by standard thin layer chromatography (tlc) procedures and visualization via scanning fluorescence densitometry scanning. Other appropriate methods are required for quality control to assure product characterization, the control of human pathogens and other unintentional metabolites or ingredients within regulatory limits, and to ascertain storage stability and viability of the pesticidal active ingredient.

#### C. Codex Maximum Residue Level

There is no Codex maximum residue level for residues of *Aspergillus flavus* AF36.

#### D. Efficacy Data

PR Notice 2002-1 lists aflatoxin as a public health hazard, for which product performance or efficacy data are required according to 40 CFR 158.202(i). To demonstrate that this pesticide may reduce aflatoxin-producing strains and does not increase *A. flavus* populations above background levels, the applicant provided product performance or efficacy data from multiple years of soil and air monitoring studies.

Aflatoxin, one of the most potent human carcinogens, is the metabolite of concern produced by the target pest, aflatoxin-producing strains of *Aspergillus flavus*. As such, the Agency considers aflatoxin a public health hazard. In the soils of cotton-producing areas of Arizona and south Texas, especially in the dry regions, the toxigenic strains are prominent. Few alternatives, if any, exist to displace aflatoxin-producing *A. flavus* strains from cotton and other crops. Decontamination of crops via ammoniation is costly, not available universally, and decreases the value of the crop. Other methods to reduce aflatoxin formation include manipulation of harvest date, costly irrigation practices, and different methods of harvesting and storage practices.

Efficacy data submitted to the Agency include monitoring of soil and air levels of the toxigenic and non-aflatoxin-producing strains of *A. flavus* AF36 in the field and on the crops. Results from the environmental expression and population monitoring studies, during the experimental program, demonstrate that a single seasonal application of AF36 on cotton fields may incite significant changes in the incidence of toxigenic *A. flavus* strains resident in the agroecosystem, without altering the overall quantity of *A. flavus*. Soil and air population counts of *A. flavus* from treated fields were associated with concomitant decreases in incidences of

toxigenic *A. flavus*, for many of the treated areas [BPPD review - May 15, 2003]. Reducing the aflatoxin-producing populations of fungi, and the concomitant reduction of aflatoxin, a potent carcinogen, is in the public interest.

#### VIII. Objections and Hearing Requests

Under section 408(g) of the FFDCA, as amended by the FQPA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. The EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. Although the procedures in those regulations require some modification to reflect the amendments made to the FFDCA by the FQPA, EPA will continue to use those procedures, with appropriate adjustments, until the necessary modifications can be made. The new section 408(g) of the FFDCA provides essentially the same process for persons to "object" to a regulation for an exemption from the requirement of a tolerance issued by EPA under new section 408(d) of the FFDCA, as was provided in the old sections 408 and 409 of the FFDCA. However, the period for filing objections is now 60 days, rather than 30 days.

##### A. What Do I Need to Do to File an Objection or Request a Hearing?

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number OPP-2003-0138 in the subject line on the first page of your submission. All objections and hearing requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before September 12, 2003.

1. *Filing the request.* Your objection must specify the specific provisions in the regulation that you object to, and the grounds for the objections (40 CFR 178.25). If a hearing is requested, the objections must include a statement of the factual issues(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the

public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

Mail your written request to: Office of the Hearing Clerk (1900C), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001. You may also deliver your request to the Office of the Hearing Clerk in Rm. 104, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. The Office of the Hearing Clerk is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Office of the Hearing Clerk is (703) 603-0061.

2. *Tolerance fee payment.* If you file an objection or request a hearing, you must also pay the fee prescribed by 40 CFR 180.33(i) or request a waiver of that fee pursuant to 40 CFR 180.33(m). You must mail the fee to: EPA Headquarters Accounting Operations Branch, Office of Pesticide Programs, P.O. Box 360277M, Pittsburgh, PA 15251. Please identify the fee submission by labeling it "Tolerance Petition Fees."

EPA is authorized to waive any fee requirement "when in the judgement of the Administrator such a waiver or refund is equitable and not contrary to the purpose of this subsection." For additional information regarding the waiver of these fees, you may contact James Tompkins by phone at (703) 305-5697, by e-mail at [tompkins.jim@epa.gov](mailto:tompkins.jim@epa.gov), or by mailing a request for information to Mr. Tompkins at Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

If you would like to request a waiver of the tolerance objection fees, you must mail your request for such a waiver to: James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

3. *Copies for the Docket.* In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit IX.A., you should also send a copy of your request to the PIRIB for its inclusion in the official record that is described in Unit I.B.1. Mail your copies, identified by docket ID number OPP-2003-0138, to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001. In person or by courier, bring a copy to the location of the PIRIB described in Unit

I.B.1. You may also send an electronic copy of your request via e-mail to: opp-docket@epa.gov. Please use an ASCII file format and avoid the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 6.1/8.0 or ASCII file format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request at many Federal Depository Libraries.

*B. When Will the Agency Grant a Request for a Hearing?*

A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

**IX. Statutory and Executive Order Reviews**

This final rule establishes an exemption from the tolerance requirement under section 408(d) of the FFDCA in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). Because this rule has been exempted from review under Executive Order 12866 due to its lack of significance, this rule is not subject to Executive Order 13211, *Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use* (66 FR 28355, May 22, 2001). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104-4). Nor does it require any special considerations under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994); or OMB review or any Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety*

*Risks* (62 FR 19885, April 23, 1997). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104-113, section 12(d) (15 U.S.C. 272 note). Since tolerances and exemptions that are established on the basis of a petition under section 408(d) of the FFDCA, such as the exemption from the tolerance requirement in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. In addition, the Agency has determined that this action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure “meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.” “Policies that have federalism implications” is defined in the Executive Order to include regulations that have “substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.” This final rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of section 408(n)(4) of the FFDCA. For these same reasons, the Agency has determined that this rule does not have any “tribal implications” as described in Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000). Executive Order 13175, requires EPA to develop an accountable process to ensure “meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.” “Policies that have tribal implications” is defined in the Executive Order to include regulations that have “substantial direct effects on one or more Indian tribes, on the relationship between the Federal

Government and the Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.” This rule will not have substantial direct effects on tribal governments, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule.

**X. Congressional Review Act**

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this final rule in the **Federal Register**. This final rule is not a “major rule” as defined by 5 U.S.C. 804(2).

**List of Subjects in 40 CFR Part 180**

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: July 2, 2003.

**James Jones,**

*Director, Office of Pesticide Programs.*

■ Therefore, 40 CFR chapter I is amended as follows:

**PART 180—[AMENDED]**

■ 1. The authority citation for part 180 continues to read as follows:

**Authority:** 21 U.S.C. 321(q), 346(a) and 371.

■ 2. Section 180.1206 is revised to read as follows:

**§ 180.1206 *Aspergillus flavus* AF36; exemption from the requirement of a tolerance.**

An exemption from the requirement of a tolerance is established for residues of the microbial pesticide *Aspergillus flavus* AF36 in or on cotton and its food/feed commodities.

[FR Doc. 03-17726 Filed 7-11-03; 8:45 am]

**BILLING CODE 6560-50-S**

# Proposed Rules

Federal Register

Vol. 68, No. 134

Monday, July 14, 2003

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

### 29 CFR Parts 1625 and 1627

RIN 3046-AA72

#### Age Discrimination in Employment Act; Retiree Health Benefits

**AGENCY:** U.S. Equal Employment Opportunity Commission.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The U.S. Equal Employment Opportunity Commission (Commission or EEOC) proposes to amend its regulations governing age discrimination in employment to exempt from the prohibitions of the Age Discrimination in Employment Act of 1967 the practice of altering, reducing or eliminating employer-sponsored retiree health benefits when retirees become eligible for Medicare or a State-sponsored retiree health benefits program. This exemption will ensure that the application of the ADEA does not discourage employers from providing health benefits to their retirees.

**DATES:** Comments must be received by September 12, 2003. The Commission will consider any comments received on or before the closing date and thereafter adopt final regulations. Comments received after the closing date will be considered to the extent practicable.

**ADDRESSES:** Written comments should be submitted to Frances M. Hart, Executive Officer, Office of the Executive Secretariat, U.S. Equal Employment Opportunity Commission, 1801 L Street, NW., Washington, DC 20507. As a convenience to commentators, the Executive Secretariat will accept comments transmitted by facsimile ("FAX") machine. The telephone number of the FAX receiver is (202) 663-4114 (This is not a toll free number). Only comments of six or fewer pages will be accepted via FAX transmittal. This limitation is necessary to assure access to the equipment. Receipt of fax transmittals will not be

acknowledged, except that the sender may request confirmation of receipt by calling the Executive Secretariat staff at (202) 663-4078 (voice) or (202) 663-4077 (TTY). (These are not toll free numbers). Copies of comments submitted by the public will be available for review on weekdays, except federal holidays, at the Commission's library, Room 6502, 1801 L Street, NW., Washington, DC, between the hours of 9:30 a.m. and 5 p.m.

#### FOR FURTHER INFORMATION CONTACT:

Lynn A. Clements, Special Assistant to the Legal Counsel, Office of Legal Counsel, at (202) 663-4624 (voice) or (202) 663-7026 (TTY) (These are not toll free numbers). This notice is also available in the following formats: large print, braille, audio tape, and electronic file on computer disk. Requests for this notice in an alternative format should be made to the Publications Information Center at 1-800-669-3362.

**SUPPLEMENTARY INFORMATION:** Section 9 of the Age Discrimination in Employment Act of 1967, 29 U.S.C. 621 *et seq.* (ADEA or Act), provides that EEOC "may establish such reasonable exemptions to and from any or all provisions of [the Act] as it may find necessary and proper in the public interest." Implicit in this authority is the recognition that the application of the ADEA could, in certain circumstances, foster unintended consequences that are not consistent with the purposes of the law and are not in the public interest. Such circumstances are rare. Accordingly, EEOC's exercise of this authority has been limited and tempered with great discretion.

After an in-depth study, the Commission believes that the practice of altering, reducing or eliminating employer-sponsored retiree health benefits when retirees become eligible for Medicare or a State-sponsored retiree health benefits program presents a circumstance that warrants Commission exercise of its ADEA exemption authority. For the reasons that follow, and pursuant to its authority under Section 9 of the Act, the EEOC proposes in this notice of proposed rulemaking (NPRM) to add a new section 32 to part 1625 of Title 29 of the Code of Federal Regulations exempting such coordination of employer-sponsored retiree health benefits with Medicare or a State-sponsored retiree health benefits

program from all prohibitions of the ADEA.

#### Basis for Exemption

In August 2001, the Commission announced that it would study the relationship between the ADEA and employer-sponsored retiree health benefit plans that alter, reduce or eliminate benefits upon eligibility for Medicare or a comparable State-sponsored retiree health benefits program. To begin the process, EEOC developed an internal Retiree Health Benefits Task Force headed by its Legal Counsel. The Task Force met with a wide range of Commission stakeholders, including employers, employee groups, labor unions, human resource consultants, benefit consultants, actuaries and state and local government representatives. The Task Force also reviewed available survey data regarding employer-sponsored retiree health benefits; analyzed the May 2001 United States General Accounting Office's Report to the Chairman of the United States's Senate Committee on Health, Education, Labor and Pensions entitled "Retiree Health Benefits: Employer-Sponsored Benefits May Be Vulnerable to Further Erosion;" and reviewed numerous professional articles discussing the continued erosion of retiree health benefits.

As a result of its study, the Commission has concluded, as discussed in greater detail below, that the number of employers providing retiree health benefits has declined considerably over the last ten years, even though many retired individuals rely on such employer-sponsored plans for affordable health coverage. Various factors have contributed to this erosion, including the increased cost of health care coverage, an increased demand for such coverage as large numbers of workers near retirement age, and changes in the way accounting rules treat the long-term costs of providing retiree health benefits. The Commission believes that concern about the potential application of the ADEA to employer-sponsored retiree health benefits is adversely affecting the continued provision of this important retirement benefit.

#### Employers Are Not Obligated To Provide Retiree Health Care

Employers are not legally obligated to provide retiree health benefits and many

do not. In fact, in 2001, only about “one-third of large employers and less than 10% of small employers offer[ed] retiree health benefits.”<sup>1</sup> Employers who choose to provide retiree health benefits are not required to provide such benefits indefinitely, absent some contractual agreement to the contrary. Employers that do offer retiree health benefits, however, often do so to maintain a competitive advantage in the marketplace—using these and other benefits to attract and retain the best talent available to work for their organizations.

Likewise, employer-sponsored retiree health benefits clearly benefit employees. In many cases, employers offer retiree health benefits as a bridge to Medicare so that younger retirees have access to affordable health care benefits when they leave the workforce before reaching the age of Medicare eligibility. Often those benefits are more generous than Medicare benefits because, for example, the employer simply includes younger retirees in its group plan for existing employees. In other cases, employers wish to offer their retirees age 65 and older health benefit plans that supplement the coverage provided under Medicare so that these retirees have access to comprehensive health care benefits at a time when their health care needs may be greatest. The Commission believes that it is in the best interest of both employers and employees for the Commission to pursue a policy that permits employers to offer these benefits to the greatest extent possible.

#### *The Rising Cost of Health Care*

The cost of employee health care has increased consistently for several years, making it difficult for employers to continue to provide retiree health benefits. One report estimates that employers will experience a double-digit increase in their health care costs in 2003 for the third consecutive year.<sup>2</sup> Two widely-cited surveys of employer-sponsored health plans—(1) the Health Research and Educational Trust survey sponsored by The Henry J. Kaiser Family Foundation (Kaiser/HRET) and (2) the William M. Mercer, Incorporated survey (formerly produced by Foster Higgins) (Mercer/Foster Higgins)—estimate that premiums for employer-sponsored health insurance increased

an average of about 11% in 2001.<sup>3</sup> The 2002 Kaiser/HRET study found monthly premium costs for employer-sponsored health insurance rose 12.7% between the Spring of 2001 and 2002, while early results from the 2002 Mercer/Foster Higgins study estimate that health care costs increased almost 15% in 2002.<sup>4</sup> The 2001 Kaiser/HRET survey found that these large changes in premiums would affect small employers, defined as those employing between 3–199 workers, at a greater rate than larger employers.<sup>5</sup> Indeed, the 2002 Kaiser/HRET survey suggests that there may be evidence of erosion in the number of small employers offering health benefits; the study reports that the number of small employers offering such benefits dropped 6% between 2000 and 2002.<sup>6</sup> Many employers and benefit experts believe that the rising cost of prescription drug coverage, in particular, has heavily contributed to the rising cost of health care, with 64% of employers responding to the 2001 Kaiser/HRET study citing “higher spending for drugs” as a significant factor in health insurance premium increases.<sup>7</sup>

In addition to the rising cost of health care generally, increased longevity and, thus, increased numbers of retirees, will continue to mean larger and more

frequent payments for health care services on behalf of retired workers. The United States General Accounting Office (GAO) projects that, by 2030, the number of people age 65 or older will be double what it is today, while the number of individuals between the ages of 55 and 64 will increase 75 percent by 2020.<sup>8</sup> It is well-established that utilization of health care services generally rises with age.<sup>9</sup> Thus, the demand for and cost of retiree health coverage is likely to grow significantly in the next few years, while there will be comparatively fewer active workers to subsidize such benefits.<sup>10</sup> The 2000 Mercer/Foster Higgins National Survey of Employer-Sponsored Health Plans showed substantial cost increases for retiree health care coverage between 1999 and 2000, with a 10.6 percent increase for retirees under age 65 and a 17 percent increase for those over 65.<sup>11</sup> A 2002 study by The Henry J. Kaiser Family Foundation and Hewitt Associates (Kaiser/Hewitt) found that retiree health care costs increased an average of 16% between 2001 and 2002 for employers with at least 1000 employees.<sup>12</sup>

Changes in accounting rules also have dramatically impacted the way employers account for the long-term costs of providing retiree health benefits.<sup>13</sup> In 1990, the Financial Accounting Standards Board, which is charged with establishing U.S. standards of financial accounting and

<sup>3</sup> The Henry J. Kaiser Family Foundation & Health Research and Educational Trust, “Employer Health Benefits, 2001 Annual Survey” (Menlo Park, CA: The Henry J. Kaiser Family Foundation and Health Research and Educational Trust 2001); William M. Mercer, “Mercer/Foster Higgins National Survey of Employer-Sponsored Health Plans 2001” (New York, N.Y.: William M. Mercer Inc. 2002). The 2001 Kaiser/HRET study, conducted between January and May 2001, surveyed more than 2,500 randomly selected public and private companies in the United States. The 2001 Mercer/Foster Higgins study used a national probability sampling of public and private employers and the results represent about 600,000 employers.

<sup>4</sup> The Henry J. Kaiser Family Foundation & Health Research and Educational Trust, “Employer Health Benefits, 2002 Annual Survey” (Menlo Park, CA: The Henry J. Kaiser Family Foundation and Health Research and Educational Trust 2002); Mercer Human Resource Consulting LLC, “Rate Hikes pushed employers to drop health plans, cut benefits in 2002—but average cost still rose,” (New York, N.Y.: Mercer Human Resource Consulting LLC December 9, 2002). The 2002 Kaiser/HRET study surveyed 3,262 randomly selected public and private employers.

<sup>5</sup> The Henry J. Kaiser Family Foundation & Health Research and Educational Trust, “Employer Health Benefits, 2001 Annual Survey” (Menlo Park, CA: The Henry J. Kaiser Family Foundation and Health Research and Educational Trust 2001).

<sup>6</sup> The Henry J. Kaiser Family Foundation & Health Research and Educational Trust, “Employer Health Benefits, 2002 Annual Survey” (Menlo Park, CA: The Henry J. Kaiser Family Foundation and Health Research and Educational Trust 2002).

<sup>7</sup> The Henry J. Kaiser Family Foundation & Health Research and Educational Trust, “Employer Health Benefits, 2001 Annual Survey” (Menlo Park, CA: The Henry J. Kaiser Family Foundation and Health Research and Educational Trust 2001).

<sup>8</sup> U.S. General Accounting Office, “Retiree Health Benefits: Employer-Sponsored Benefits May Be Vulnerable to Further Erosion,” GAO Doc. No. GAO-01-374, at 17 (May 2001).

<sup>9</sup> Anna M. Rappaport, “Planning for Health Care Needs in Retirement,” in *Forecasting Retirement Needs and Retirement Wealth*, 288, 288–294 (Olivia S. Mitchell et al. eds., University of Pennsylvania Press 2000).

<sup>10</sup> U.S. General Accounting Office, “Retiree Health Benefits: Employer-Sponsored Benefits May Be Vulnerable to Further Erosion,” GAO Doc. No. GAO-01-374, at 17–18 (May 2001).

<sup>11</sup> Anna M. Rappaport, “Postemployment Benefits: Retiree Health Challenges and Trends—2001 and Beyond,” in *Compensation and Benefits Management*, 52, 56 (Autumn 2001) (citing William M. Mercer, “Mercer/Foster Higgins National Survey of Employer-Sponsored Health Plans 2000” (New York, N.Y.: William M. Mercer Inc. 2001)).

<sup>12</sup> The Henry J. Kaiser Family Foundation & Hewitt Associates LLC, “Kaiser/Hewitt 2002 Retiree Health Survey” (Menlo Park, CA: The Henry J. Kaiser Family Foundation and Hewitt Associates LLC 2002). This online survey, conducted between July and September 2002, represents information from 435 private employers (with at least 1000 employees) that currently offer retiree health benefits.

<sup>13</sup> Anna M. Rappaport, “FAS 106 and Strategies for Managing Retiree Health Benefits,” in *Compensation and Benefits Management*, 37 (Spring 2001); Paul Fronstin, “Retiree Health Benefits: Trends and Outlook,” EBRI Issue Brief No. 236 (Employee Benefit Research Institute Aug. 2001).

<sup>1</sup> Hearing Before the House Comm. on Education and the Workforce, 107th Cong. (2001) (statement of William J. Scanlon, Director of Health Care Services, GAO).

<sup>2</sup> Hewitt Associates LLC, “Health Care Cost Increases Expected to Continue Double-Digit Pace in 2003,” (Lincolnshire, IL: Hewitt Associates LLC Oct. 14, 2002).



reporting, promulgated new rules for retiree health accounting, referred to as Financial Accounting Standards Number 106 or FAS 106. FAS 106 requires employers to apportion the costs of retiree health over the working lifetime of employees and to report unfunded retiree health benefit liabilities in accordance with generally accepted accounting principles beginning with fiscal years after December 15, 1992. Because “the recognition of these liabilities in financial statements dramatically impacts a company’s calculation of its profits and losses,”<sup>14</sup> some companies have said that FAS 106 led to reductions in reported income, thus creating an incentive to reduce expenditures for employee benefits such as retiree health.

#### The Incentive for Employers To Reduce Health Care Costs

As a result of these increased costs and accounting changes, employers have actively examined ways to reduce health care costs, including by reducing, altering or eliminating retiree health coverage.<sup>15</sup> During hearings before the U.S. House of Representative’s Committee on Education and the Workforce in November 2001, the GAO’s Director of Health Care Services testified that only “one-third of large employers and less than 10% of small employers offer retiree health benefits.”<sup>16</sup> The 2001 Mercer/Foster Higgins study shows that the number of employers with 500 or more workers who offer retiree health coverage decreased by 17 percent between 1993 and 2001 for both pre- and post-Medicare eligible retirees.<sup>17</sup> The 2002 Kaiser/HRET survey similarly found that a declining percentage of large companies (those with at least 200 employees) offer retiree health benefits; only 34 percent of such employers

offered retiree health coverage in 2002, compared to 66 percent of similar companies in 1988.<sup>18</sup> Another survey completed by Hewitt Associates LLC estimates a 15 percent decline in the number of large employers providing pre-age 65 retiree health coverage between 1991 and 2000 and an 18 percent decrease in the number of large employers providing health benefits to retirees age 65 or older during the same period.<sup>19</sup> The 2002 Kaiser/Hewitt retiree health study concluded that this trend will continue, with one in five large employers likely to eliminate retiree health coverage for future retirees within the next three years.<sup>20</sup>

Of those employers offering retiree health benefits, most are more likely to offer such benefits to early retirees and not to Medicare-eligible retirees. A report issued by Kaiser, HRET and The Commonwealth Fund (Kaiser/HRET/Commonwealth) estimates that only 23% of employers with at least 200 workers offered retiree health benefits to Medicare-age retirees in 2001. This is a decline of more than 10 percentage points in a three-year period.<sup>21</sup>

As the number of employers offering retiree health coverage declines, so has the incentive to provide future retirees with such coverage. Unions report that meaningful negotiations about the future provision of employer-sponsored retiree health benefits are becoming

increasingly futile. Union representatives have informed EEOC that increasing numbers of employers have refused to include retiree health among the benefits to be provided to employees. A significant number of employers have agreed to provide retiree health only if the benefit terminates when the retiree becomes eligible for Medicare.

Alternatives to employer-sponsored retiree health coverage are costly, offer fewer benefits, and may be limited in availability, particularly for retirees not yet eligible for Medicare.<sup>22</sup> Under provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985, 29 U.S.C. 1161 *et seq.* (COBRA), retirees under the age of 65 may be eligible for temporary health coverage from either their spouse’s employer or their former employer, although the retiree may be required to pay the entire premium. Other retirees under age 65 must obtain coverage in the private individual insurance market, which often is prohibitively expensive or provides limited benefits.<sup>23</sup> Those unable to afford coverage in the private insurance market rely on public insurance, pay for health care out of pocket, or are uninsured. Retirees age 65 or older often rely on Medicare as their primary source of health coverage. Nonetheless, many retirees in this age group rely on employer-sponsored benefits to cover Medicare’s cost-sharing requirements or gaps in Medicare coverage. Retirees who do not have access to employer-sponsored supplemental coverage must obtain private individual “Medicare supplement” insurance, which can be prohibitively expensive, particularly if prescription drug coverage is desired.<sup>24</sup> For these reasons, employer-sponsored retiree health coverage is a valuable benefit for older persons that should be protected and preserved to the greatest extent possible.

<sup>14</sup> Paul Fronstin, “Retiree Health Benefits: Trends and Outlook,” EBRI Issue Brief No. 236, at 3 (Employee Benefit Research Institute Aug. 2001).

<sup>15</sup> A survey by THAP!, Andersen and CalPERS found that both public and private employers considered controlling health care costs as a top business issue for the next two to three years. THAP! *et al.*, “Productive Workforce Survey: Report of Findings Private Employer/Public Agency” (THAP!, Andersen and CalPERS Aug. 2001); *see also* Anna M. Rappaport, “Postemployment Benefits: Retiree Health Challenges and Trends—2001 and Beyond,” in *Compensation and Benefits Management*, 52, 56 (Autumn 2001) (“Companies seeking to reduce costs are closely examining retiree medical benefits.”).

<sup>16</sup> Hearing Before the House Comm. on Education and the Workforce, 107th Cong. (2001) (statement of William J. Scanlon, Director of Health Care Services, GAO).

<sup>17</sup> William M. Mercer, “Mercer/Foster Higgins National Survey of Employer-Sponsored Health Plans 2001” (New York, NY: William M. Mercer, Inc. 2002).

<sup>18</sup> The Henry J. Kaiser Family Foundation & Health Research and Educational Trust, “Employer Health Benefits, 2002 Annual Survey” (Menlo Park, CA: The Henry J. Kaiser Family Foundation and Health Research and Educational Trust 2002).

<sup>19</sup> Hewitt Associates LLC, “Trends in Retiree Health Plans” (Lincolnshire, IL: Hewitt Associates LLC 2001). This conclusion is based on information from Hewitt Associates database of 1,020 large employers, including 85% of Fortune 100 companies and 57% of Fortune 500 companies.

<sup>20</sup> The Henry J. Kaiser Family Foundation & Hewitt Associates LLC, “Kaiser/Hewitt 2002 Retiree Health Survey” (Menlo Park, CA: The Henry J. Kaiser Family Foundation and Hewitt Associates LLC 2002); *see also* The Henry J. Kaiser Family Foundation & Health Research and Educational Trust, “Employer Health Benefits, 2002 Annual Survey” (Menlo Park, CA: The Henry J. Kaiser Family Foundation and Health Research and Educational Trust 2002) (11% of large employers predict they will eliminate retiree health benefits for future retirees).

<sup>21</sup> The Henry J. Kaiser Family Foundation *et al.*, “Erosion of Private Health Insurance Coverage For Retirees: Findings from the 2000 and 2001 Retiree Health and Prescription Drug Coverage Survey” (Menlo Park, CA: The Henry J. Kaiser Family Foundation, Health Research and Educational Trust, and The Commonwealth Fund 2002); *see also* The Henry J. Kaiser Family Foundation & Health Research and Educational Trust, “Employer Health Benefits, 2002 Annual Survey” (Menlo Park, CA: The Henry J. Kaiser Family Foundation and Health Research and Educational Trust 2002) (96% of employers with at least 200 employees offer health benefits to pre-age 65 retirees, while only 72% of large employers offer health benefits to retirees age 65 and above).

<sup>22</sup> U.S. General Accounting Office, “Retiree Health Benefits: Employer-Sponsored Benefits May Be Vulnerable to Further Erosion,” GAO Doc. No. GAO-01-374, at 20-24 (May 2001).

<sup>23</sup> U.S. General Accounting Office, “Retiree Health Benefits: Employer-Sponsored Benefits May Be Vulnerable to Further Erosion,” GAO Doc. No. GAO-01-374, at 20-22 (May 2001).

<sup>24</sup> U.S. General Accounting Office, “Retiree Health Benefits: Employer-Sponsored Benefits May Be Vulnerable to Further Erosion,” GAO Doc. No. GAO-01-374, at 22-24 (May 2001). GAO estimates that Medigap coverage costs an average of \$1,300 per year. Hearing Before the House Comm. on Education and the Workforce, 107th Cong. (2001) (statement of William J. Scanlon, Director of Health Care Services, GAO).



### Interplay Between the ADEA and Employer-Sponsored Retiree Health Benefits

Section 4 of the ADEA makes it unlawful for an employer to discriminate against any individual with respect to "compensation, terms, conditions, or privileges or employment, because of such individual's age." 29 U.S.C. 623(a)(1). In 1989, the Supreme Court held in *Public Employees Retirement Sys. of Ohio v. Betts*, 492 U.S. 158, 109 S. Ct. 256 (1989), that the ADEA, nevertheless, did not prohibit discrimination in employee benefits, such as health insurance. In response to the Supreme Court's decision in *Betts*, Congress enacted the Older Workers Benefit Protection Act of 1990, Pub. L. No. 101-433, 104 Stat. 978 (1990) (OWBPA), which amended the ADEA and defined the term "compensation, terms, conditions or privileges of employment" in Section 4 of the Act as including employee benefits. 29 U.S.C. 630(l).

For many years after, however, there was little discussion about the interplay between the ADEA and the provision of retiree health benefits by employers. Many employers relied on legislative history to the OWBPA which states that the practice of eliminating, reducing, or altering employer-sponsored retiree health benefits with Medicare eligibility is lawful under the ADEA. Specifically, employers looked to a joint "Statement of Managers" clarifying several proposed amendments to the OWBPA, which was entered into the congressional records of both the House and Senate and accompanied the final compromise bill. On the subject of "retiree health," the Statement says:

Many employer-sponsored retiree medical plans provide medical coverage for retirees only until the retiree becomes eligible for Medicare. In many of these cases, where coverage is provided to retirees only until they attain Medicare eligibility, the value of the employer-provided retiree medical benefits exceeds the value of the retiree's Medicare benefits. Other employers provide medical coverage to retirees at a relatively high level until the retirees become eligible for Medicare and at a lower level thereafter. In many of these cases, the value of the medical benefits that the retiree receives before becoming eligible for Medicare exceeds the total value of the retiree's Medicare benefits and the medical benefits that the employer provides after the retirees attain Medicare eligibility. These practices are not prohibited by this substitute. Similarly, nothing in this substitute should be construed as authorizing a claim on behalf of a retiree on the basis that the actuarial value of employer-provided health benefits available to that retiree not yet eligible for Medicare is less than the actuarial value of

the same benefits available to a younger retiree.

Final Substitute: Statement of Managers, 136 Cong. Rec. S25353 (Sept. 24, 1990); 136 Cong. Rec. H27062 (Oct. 2, 1990).

In August 2000, the United States Court of Appeals for the Third Circuit became the first federal court of appeals to examine whether an employer's coordination of its retiree health plans with Medicare eligibility violated the ADEA. *Erie County Retirees Ass'n v. County of Erie*, 220 F.3d 193 (3rd Cir. 2000). Prior to 1992, Erie County offered current employees and retirees separate but similar traditional indemnity health insurance coverage. *Id.* at 196. In February 1998, however, in an effort to control escalating health benefit costs, the county began to require all eligible retirees over age 65 to accept a coordinated health care plan provided through a health maintenance organization (HMO) and Medicare. Eligible retirees had to have Medicare Part B Medical Insurance in order to participate in the plan. *Id.* at 197. Retirees not yet eligible for Medicare continued to be covered by a traditional indemnity plan until October 1998 when they were transferred to a hybrid point of service plan where each insured could select between an HMO and the traditional indemnity option on an as-needed basis. *Id.* In a class action lawsuit, the Medicare-eligible retirees alleged that the county violated the ADEA by offering them health insurance coverage that was inferior to that offered to the county's younger retirees. *Id.* at 193. In examining whether the county's practice violated the Act, the Third Circuit held that the Statement of Managers language was not controlling and that the ADEA prohibits an employer from treating "retirees differently with respect to health benefits based on Medicare eligibility," unless the employer can meet any of the affirmative defenses provided in section 4 of the ADEA. *Id.* at 213-14.<sup>25</sup> The one affirmative defense examined in detail by the Third Circuit was the equal

benefit/equal cost defense set forth in 29 U.S.C. 623(f)(2)(B)(i). The equal benefit/equal cost defense has been part of the ADEA's regulatory framework since 1967.<sup>26</sup> Consistent with Congress' concern that employers might not hire older workers because many employee benefits become more costly with age, Department of Labor and EEOC regulations interpreted section 4(f)(2) of the ADEA as permitting employers to offer lower levels of certain employee benefits to older workers as long as the benefit cost incurred on behalf of older workers is no less than that incurred for younger workers. 29 CFR 1625.10. In the OWBPA, Congress adopted this test in section 4(f)(2)(B)(i) of the ADEA, thereby codifying the EEOC's equal benefit/equal cost rule.

In *Erie County*, the Third Circuit found that the costs Medicare incurs on behalf of retirees over age 65 cannot be considered when evaluating whether an employer has satisfied the equal cost prong and remanded the case so the district court could determine whether the county could nonetheless meet the equal benefit/equal cost test. *Id.* at 216. On remand, the county conceded that it could not meet the equal cost prong using the Third Circuit's formulation of the test. *Erie County Retirees Ass'n v. County of Erie*, 140 F. Supp.2d 466, 477 (W.D. Pa. 2001). The district court then found that the county did not provide equal benefits to its retirees because (1) age 65 retirees were required to pay a greater portion of the total cost of their health insurance premiums than younger retirees; (2) the health plan offered to older retirees did not allow participants to alternate between different forms of coverage, while the plan offered to younger retirees did; and (3) the health plan for younger retirees did not restrict participants to a prescription drug formulary, while the plan for older retirees did contain such a restriction. *Id.* at 475-77.

Many benefit experts cautioned that the *Erie County* decision would exacerbate the erosion of employer-sponsored retiree health benefits.<sup>27</sup> The

<sup>25</sup> The Commission submitted an *amicus curiae* brief in *Erie County*, asserting, based on the plain language of the ADEA, that (1) retirees are covered by the ADEA and (2) employer reliance on Medicare eligibility in making distinctions in employee benefits violated the ADEA, unless the employer satisfied one of the Act's specified defenses or exemptions. In its October 2000 Compliance Manual Chapter on "Employee Benefits," the Commission explicitly adopted the position taken by the Third Circuit in *Erie County* as its national enforcement policy. When the Commission announced in August 2001 that it wished to further study the relationship between the ADEA and employer-sponsored retiree health plans, the Commission unanimously voted to rescind those portions of its Compliance Manual that discussed the *Erie County* decision.

<sup>26</sup> In *Public Employees Retirement Sys. of Ohio v. Betts*, 492 U.S. 158, 109 S. Ct. 256 (1989), the Supreme Court held that the equal benefit/equal cost test did not apply to the ADEA. Congress believed the test should apply, and the regulatory equal benefit/equal cost test was codified in the OWBPA.

<sup>27</sup> See Anna M. Rappaport, "Postemployment Benefits: Retiree Health Challenges and Trends—2001 and Beyond," in *Compensation and Benefits Management*, 52, 55 (Autumn 2001) (*Erie County* will force employers to examine the application of the ADEA to their retiree health plans with "little or no legal precedent"); Paul Fronstin, "Retiree Health Benefits: Trends and Outlook," EBRI Issue Brief No. 236, at 12-14 (Employee Benefit Research

*Erie County* decision means, among other things, that an employer who voluntarily provides its pre-age 65 retirees with a bridge to Medicare (with the intent to terminate all employer-sponsored retiree coverage at that time) can do so without ADEA implications only if the benefits provided by the bridge coverage are either the same as or less generous than those provided by Medicare. Stated otherwise, in every instance where employer-provided bridge coverage exceeds Medicare coverage, the employer would be prevented by the ADEA from ending its coverage when retirees become eligible for Medicare. The Commission is concerned that many employers will respond to this outcome, given the dramatic cost increases for retiree health benefits, not by incurring additional costs for retiree benefits that supplement Medicare, but rather by reducing or eliminating health coverage for retirees who are not yet eligible for Medicare.

In fact, this is ultimately what happened in *Erie County*. In an attempt to comply with the court's ruling, the county transferred younger retirees from the hybrid point of service plan—where each retiree had the ability to select between HMO or traditional indemnity plan coverage on an as-needed basis—to an HMO plan similar to that available to retirees over age 65 that did not provide such an option. *Erie County Retirees Ass'n v. County of Erie*, 192 F. Supp.2d 369, 372 (W.D. Pa. 2002). The county also required employees not yet eligible for Medicare to pay a monthly amount for such coverage equal to the monthly amount of Medicare Part B premiums that retirees over age 65 paid. *Id.* The result, therefore, is a decrease in health benefits for retirees generally; older retirees receive no better health benefits, while younger retirees must pay more for health benefits that offer fewer choices.

#### Alternative Proposals

In considering the proper regulatory approach, EEOC closely examined whether it would be possible to apply the equal benefit/equal cost test in its regulations to the practice of coordinating employer-sponsored retiree health benefits with Medicare or a State-sponsored retiree health benefits program. The Commission evaluated various proposals that would have allowed employers to take the cost of Medicare into account when assessing

whether they satisfied the equal cost test. The Commission also considered the feasibility of implementing regulations under the ADEA that would require employers to adopt or maintain benefits programs that supplement Medicare in order to satisfy the equal benefits test.

After extensive study, however, it does not appear that retiree health costs or benefits can be reasonably quantified in a regulation. Unlike valuation of costs associated with life insurance or long-term disability benefits, calculating retiree health costs is complex due to the multitude of variables, including types of plans, levels and types of coverage, deductibles, and geographical areas covered. In addition, the subjective nature of some health benefits, such as a greater choice in providers, makes any such valuation more complicated.

Even allowing an employer to take into account the "cost" of Medicare is problematic because the government's cost to provide Medicare services does not reflect what similar benefits would cost an employer in the marketplace. Nor can an employer's Medicare tax obligation, pursuant to the Federal Insurance Contributions Act, 26 U.S.C. 3101 *et seq.* (FICA), be considered the "cost" of any specific retiree's Medicare benefits inasmuch as most retirees have been employed by multiple employers over the course of their careers and employer FICA contributions are paid into a general Medicare fund that is not employee-specific. Additionally, the fact that employees themselves pay for a portion of the cost of Medicare further complicates cost valuation.

The Commission therefore believes that quantifying the cost to employers of post-Medicare retiree health benefits under any formulation of the equal cost test would not be practicable. This is particularly true for employers who maintain multiple plans for different categories of employees. Even for employers with only one plan, the variability in health claims data from year to year can be great. As a result, calculating retiree health benefit expenses would be cost prohibitive for many employers. Thus, even if it were possible to capture the myriad of complexities involved in a retiree health cost analysis in a regulation, the likelihood is that far too many employers might simply reduce or eliminate existing retiree health benefit plans instead of attempting to comply with such a regulation.

Further complicating compliance with many of the alternative proposals considered by the Commission is the fact that employers do not have the

same flexibility in designing retiree health benefit programs as they do when designing other types of retirement benefit programs, such as cash-based retirement incentives. For example, providing supplemental health benefits to retirees who are eligible for Medicare may require that the employer obtain and administer a separate policy just for that coverage. Many employers are unable or unwilling to bear such a burden. Instead, if faced with such a choice, employers are more likely to simply eliminate retiree health coverage altogether—for retirees under and over age 65. Furthermore, future changes in the private health insurance market or in Medicare likely would necessitate further regulatory action were the Commission to adopt many of the alternative proposals considered. The Commission does not believe that it is possible to apply the equal benefit/equal cost test, or a variant of that rule, to the rapidly changing landscape of retiree health care.

The Commission therefore believes that application of the equal cost/equal benefit rule, or a variant of that rule, to the practice of coordinating retiree health benefits with Medicare or a State-sponsored retiree health benefits program would not allow employers to readily and cost-efficiently determine which practices are, and are not, permissible and therefore would not fully alleviate employers' concerns about offering retiree health benefits. It is clear that small and medium-sized employers, and those unable to hire sophisticated employee benefit professionals, would be most affected by a complicated rule. In light of the other factors affecting an employer's decision to provide retiree health benefits, the Commission believes that the current regulatory framework of the ADEA does not provide a sufficient safe harbor to protect and preserve the important employer practice of providing health coverage for retirees.

This lack of regulatory protection may cause a class of people—retirees not yet 65—to be left without any health insurance. It also may contribute to the loss of valuable employer-sponsored coverage that supplements Medicare for retirees age 65 and over. Because almost 60% of retirees between the ages of 55 to 64 rely on employer-sponsored health coverage as their primary source of health coverage,<sup>28</sup> and about one-third

<sup>28</sup> Hearing Before the House Comm. on Education and the Workforce, 107th Cong. (2001) (statement of William J. Scanlon, Director of Health Care Services, GAO). Of the 56.8% of retirees covered by employer-sponsored health coverage in 1999, 36.3% were covered in their own name and 20.5% received health benefits through a spouse. Paul

Institute Aug. 2001) ("because of the legal and cost concerns raised by the *Erie County* decision, [employers] are more likely to cut back on benefits for early retirees" or eliminate retiree health benefits).

of retirees over age 65 rely on employer-provided retiree health plans to supplement Medicare,<sup>29</sup> the Commission believes that such a result is contrary to the public interest and necessitates regulatory action.

### The Commission's Proposed Exemption

When enacting the ADEA, Congress recognized that enforcement of the Act required a case-by-case examination of employment practices.<sup>30</sup> In light of this recognition, Congress authorized the Commission to "establish such reasonable exemptions to and from any or all provisions of [the Act] as it may find necessary and proper in the public interest." 29 U.S.C. 628. Pursuant to that authority, the Commission proposes a narrowly drawn exemption that permits the practice of coordinating employer-provided retiree health coverage with eligibility for Medicare or a State-sponsored retiree health benefits program and shows due regard for the remedial purposes of the ADEA. Section 2(b) of the Act firmly establishes the goal of "encouraging employers and workers [to] find ways of meeting problems arising from the impact of age on employment." 29 U.S.C. 621(b). Unrestricted coordination of employer-sponsored retiree health benefits with Medicare or a State-Sponsored health benefits program permits employers to provide a valuable benefit to early retirees who otherwise might not be able to afford health insurance coverage and allows employers to provide valuable supplemental health benefits to retirees who are eligible for Medicare.

The proposed exemption shows due regard for the Act's prohibition against arbitrary age discrimination in employment—a central concern of Congress when it enacted the ADEA. The exemption also is consistent with the Act's purpose of promoting the employment of older persons and is in accord with the Statement of Managers. See Final Substitute: Statement of Managers, 136 Cong. Rec. 25353 (Sept. 24, 1990); 126 Cong. Rec. H.27062 (Oct. 2, 1990).<sup>31</sup> Therefore, the Commission

believes that the remedial purposes of the Act will be better served by allowing employers to coordinate retiree health benefits with Medicare or a State-sponsored retiree health benefits program.

### Effect of Exemption

As with any exemption from remedial legislation, the proposal is a narrow exemption from the prohibitions of the ADEA. The exemption permits employee benefit plans to lawfully provide health benefits for retired participants that are altered, reduced or eliminated when the participant is eligible for Medicare health benefits or for health benefits under a State-sponsored retiree health benefits program. No other aspects of ADEA coverage or benefits other than retiree health benefits are affected by this exemption.

The proposed exemption would become effective on the date of publication of a final rule in the **Federal Register**. It is intended that the exemption shall apply to existing, as well as newly created, employer-provided retiree health benefit plans. As the Appendix to the proposed exemption indicates, it also is intended that the exemption shall apply to dependent and/or spousal health benefits that are included as part of the health benefits provided to retired participants. However, dependent and/or spousal benefits need not be identical to the health benefits provided for retired participants. Consequently, dependent and/or spousal benefits may be altered, reduced or eliminated pursuant to the exemption whether or not the health benefits provided for retired participants are similarly altered, reduced or eliminated.

### Additional Amendments

In addition to the proposed exemption discussed above, the Commission proposes to redesignate subpart C of part 1627 as subpart C of part 1625 of Chapter XIV of Title 29 of the Code of Federal Regulations. Subpart C of part 1627 currently includes two sections. The first, which will be redesignated as section 1625.30, outlines procedures by which the Commission may exercise its exemption authority under Section 9 of the ADEA. The second, redesignated as section 1625.31, explains the parameters of an already existing exemption for special employment programs. Redesignation does not alter either the procedures by

which the Commission may exercise its exemption authority under Section 9 of the ADEA or the Special Employment Programs exemption.

### Comments

The Commission invites comments on this proposed exemption from all interested parties, including employee rights organizations, labor unions, employers, benefits groups, actuaries, and state and local governments. In particular, the Commission would welcome comments on other types of government-sponsored retiree health benefit programs, including state and local government retiree health plans, that are comparable to Medicare.

In proposing this exemption, the Commission coordinated with other federal agencies in accord with Executive Order 12067, and incorporated, where appropriate, agency comments in the proposal.

### Executive Order 12866 and Regulatory Flexibility Act

The proposed rule has been drafted and reviewed in accordance with Executive Order 12866, section 1(b), Principles of Regulation. This rule is considered a "significant regulatory action" under section 3(f)(4) of that Order and was reviewed by the Office of Management and Budget (OMB). The Commission does not believe that the proposed exemption will have a significant impact on small business entities under the Regulatory Flexibility Act because it imposes no economic or reporting burdens on such firms.

The ADEA applies to all employers with at least 20 employees. 29 U.S.C. 630(b). The Act prohibits covered employers from discriminating in employment against any individual who is at least 40 years of age. 29 U.S.C. 623, 631. The Bureau of Labor Statistics estimates that there are 74,347,000 individuals in the U.S. labor force that are age 40 or above.<sup>32</sup> According to Census Bureau information, approximately 1,976,216 establishments employed 20 or more employees in 2000.<sup>33</sup>

The proposed exemption would apply to all covered employers who provide health benefits to their retirees. In 2001, the GAO concluded that about one-third of large employers and less than 10% of small employers provided such benefits to current retirees.<sup>34</sup> According to the

Fronstin, "Retiree Health Benefits: Trends and Outlook," EBRI Issue Brief No. 236, at 6–7 (Employee Benefit Research Institute Aug. 2001).

<sup>29</sup> The Henry J. Kaiser Family Foundation *et al.*, "Erosion of Private Health Insurance Coverage For Retirees: Findings from the 2000 and 2001 Retiree Health and Prescription Drug Coverage Survey," at iv (Menlo Park, CA: The Henry J. Kaiser Family Foundation, Health and Research Educational Trust and The Commonwealth Fund April 2002).

<sup>30</sup> H.R. Rep. No. 90–805 (1967), reprinted in 1967 U.S.C.A.N. 2213; S. Rep. 90–723 (1967).

<sup>31</sup> While the Third Circuit in *Erie County* did not find the Statement of Managers controlling, the Commission, in the exercise of its exemption authority, is free to take a broader look at the legislative record in determining whether the

proposed exemption is consistent with the Act's purpose of promoting the employment of older persons. The Statement of Managers strongly suggests that it is.

<sup>32</sup> Bureau of Labor Statistics, U.S. Department of Labor, Current Population Survey (April 2003).

<sup>33</sup> Census Bureau, U.S. Department of Commerce, Statistics of U.S. Businesses (2000).

<sup>34</sup> Hearing Before the House Comm. on Education and the Workforce, 107th Cong. (2001) (statement

GAO, in 1999, such employer-sponsored health plans were relied on by 10 million retired individuals aged 55 and over as either their primary source of coverage or a supplement to Medicare coverage.<sup>35</sup>

The proposal—which exempts certain practices from regulation—will decrease, not increase, costs to covered employers by reducing the risks of liability for noncompliance with the statute. When the Third Circuit held that the practice of coordinating retiree health benefits with Medicare eligibility was unlawful unless an employer could meet the equal benefit/equal cost test, there was widespread concern that employers who currently provide such retiree health benefits would either have to provide greater benefits to older retirees or reduce benefits for younger retirees to comply. The Commission believes that, if required to make a choice between paying more or less to comply with the ADEA, many employers will choose to pay less by reducing or eliminating health coverage for retirees who are not yet eligible for Medicare. This result is particularly likely given the rising costs of health care in general. The proposed exemption seeks to eliminate this incentive by making clear that the ADEA permits employers to freely coordinate the provision of retiree health benefits with Medicare eligibility. This approach also benefits the significant number of employees who rely on employer-sponsored retiree health coverage and otherwise would have to obtain retiree health coverage in the private individual marketplace at substantial personal expense.

The proposed exemption has no reporting requirements. A major concern regarding the inequitable impact of regulation on small firms is that reporting and accompanying record keeping requirements can be as costly to smaller firms as large ones. The absence of reporting requirements eliminates this concern.

It is not likely that the proposed regulation will disrupt the efficient functioning of the economy and private market forces. Until recently, when structuring retiree health benefits, many employers relied on legislative history to the OWBPA which states that the practice of eliminating, reducing, or altering employer-sponsored retiree health benefits with Medicare eligibility is lawful under the ADEA. The

proposed regulation permits the practice of unrestricted coordination of retiree health benefits with Medicare eligibility to continue.

Under other proposals considered by the Commission, many employers would have been forced to discontinue retiree health coverage if they could not afford the required actuarial analysis. It is clear that small and medium-sized employers, and those unable to hire sophisticated employee benefit professionals, would be most affected by a complicated rule. Larger employers who maintain multiple plans for different categories of employees also would face significant expense complying with alternative proposals. Even for employers with only one plan, the variability in health claims data from year to year can be great. As a result, calculating retiree health benefit expenses under alternative proposals considered by the Commission would have been cost prohibitive for many employers.

#### List of Subjects

##### 29 CFR Part 1625

Advertising, Aged, Employee benefit plans, Equal employment opportunity, Retirement.

##### 29 CFR Part 1627

Aged, Equal employment opportunity, Reporting and recordkeeping requirements.

For the Commission.

**Cari M. Dominguez,**  
*Chair.*

For the reasons discussed in the preamble, the Equal Employment Opportunity Commission proposes to amend 29 CFR chapter XIV as follows:

#### **PART 1627—RECORDS TO BE MADE OR KEPT RELATING TO AGE: NOTICES TO BE POSTED**

1. Revise the heading of Part 1627 to read as set forth above.

2. The authority citation for 29 CFR Part 1627 shall continue to read as follows:

**Authority:** Sec. 7, 81 Stat. 604; 29 U.S.C. 626; sec. 11, 52 Stat. 1066, 29 U.S.C. 211; sec. 12, 29 U.S.C. 631, Pub. L. 99–592, 100 Stat. 3342; sec. 2, Reorg. Plan No. 1 of 1978, 43 FR 19807.

3. In § 1627.1, remove paragraph (b) and redesignate paragraph (c) as new paragraph (b).

4. In Part 1627, redesignate Subpart C and sections 1627.15 and 1627.16 as Subpart C of Part 1625 and sections 1625.30 and 1625.31, respectively.

#### **PART 1625—AGE DISCRIMINATION IN EMPLOYMENT ACT**

5. The authority citation for 29 CFR Part 1625 is revised to read as follows:

**Authority:** 81 Stat. 602; 29 U.S.C. 621; 5 U.S.C. 301; Secretary's Order No. 10–68; Secretary's Order No. 11–68; Sec. 9, 81 Stat. 605; 29 U.S.C. 628; sec. 12, 29 U.S.C. 631, Pub. L. 99–592, 100 Stat. 3342; sec. 2, Reorg. Plan No. 1 of 1978, 43 FR 19807.

6. In newly redesignated Subpart C of Part 1625, revise the heading of newly redesignated § 1625.31 and the first sentence of paragraph (a) to read as follows:

##### **§ 1625.31 Special employment programs.**

(a) Pursuant to the authority contained in section 9 of the Act and in accordance with the procedure provided therein and in § 1625.30(b) of this part, it has been found necessary and proper in the public interest to exempt from all prohibitions of the Act all activities and programs under Federal contracts or grants, or carried out by the public employment services of the several States, designed exclusively to provide employment for, or to encourage the employment of, persons with special employment problems, including employment activities and programs under the Manpower Development and Training Act of 1962, Public Law No. 87–415, 76 Stat. 23 (1962), as amended, and the Economic Opportunity Act of 1964, Public Law No. 88–452, 78 Stat. 508 (1964), as amended, for persons among the long-term unemployed, handicapped, members of minority groups, older workers, or youth. \* \* \*

7. Add section 1625.32 to Subpart C of Part 1625 to read as follows:

##### **§ 1625.32 Coordination of retiree health benefits with Medicare and State health benefits.**

(a) *Definitions.* (1) *Employee benefit plan* means an employee benefit plan as defined in 29 U.S.C. 1002(3).

(2) *Medicare* means the health insurance program available pursuant to Title XVIII of the Social Security Act, 42 U.S.C. 1395 *et seq.*

(3) *Comparable State health benefit plan* means a State-sponsored health benefit plan that, like Medicare, provides retired participants who have attained a minimum age with health benefits, whether or not the type, amount or value of those benefits are equivalent to the type, amount or value of the health benefits provided under Medicare.

(b) *Exemption.* Some employee benefit plans provide health benefits for retired participants that are altered,

of William J. Scanlon, Director of Health Care Services, GAO).

<sup>35</sup> U.S. General Accounting Office, "Retiree Health Benefits: Employer-Sponsored Benefits May Be Vulnerable to Further Erosion," GAO Doc. No. GAO-01-374, at 1 (May 2001).

reduced or eliminated when the participant is eligible for Medicare health benefits or for health benefits under a comparable State health benefit plan. Pursuant to the authority contained in section 9 of the Act, and in accordance with the procedures provided therein and in § 1625.30(b) of this part, it is hereby found necessary and proper in the public interest to exempt from all prohibitions of the Act such coordination of retiree health benefits with Medicare or a comparable State health benefit plan.

(c) *Scope of exemption.* This exemption shall be narrowly construed. It does not apply to the use of eligibility for Medicare or a comparable State health benefit plan in connection with any act, practice or benefit of employment not specified in paragraph (b) of this section. Nor does it apply to the use of the age of eligibility for Medicare or a comparable State health benefit plan in connection with any act, practice or benefit of employment not specified in paragraph (b) of this section.

#### **Appendix to § 1625.32—Questions and Answers Regarding Coordination of Retiree Health Benefits with Medicare and State Health Benefits**

Q1. Why is the Commission issuing an exemption from the Act?

A1. The Commission recognizes that while employers are under no legal obligation to offer retiree health benefits, some employers choose to do so in order to maintain a competitive advantage in the marketplace—using these and other benefits to attract and retain the best talent available to work for their organizations. Further, retiree health benefits clearly benefit workers, allowing such individuals to acquire affordable health insurance coverage at a time when private health insurance coverage might otherwise be cost prohibitive. The Commission believes that it is in the best interest of both employers and employees for the Commission to pursue a policy that permits employers to offer these benefits to the greatest extent possible.

Q2. Does the exemption mean that the Act no longer applies to retirees?

A2. No. Only the practice of coordinating retiree health benefits with Medicare (or a comparable State health benefit plan) as specified in paragraph (b) of this section is exempt from the Act. In all other contexts, the Act continues to apply to retirees to the same extent that it did prior to the issuance of this section.

Q3. May employers continue to offer “Medicare carve-out plans” that deduct from the health benefits provided to Medicare-eligible retirees those health benefits that Medicare provides, while continuing to provide to Medicare-eligible retirees those health benefits that Medicare does not provide?

A3. Yes. Employers may continue to offer such “carve-out plans” and make Medicare

the primary payer of health benefits for Medicare-eligible retirees. Employers may also continue to offer “carve-out plans” to those retirees eligible for health benefits pursuant to a comparable State health benefit plan and make the comparable State health plan the primary payer of health benefits for these State-eligible retirees.

Q4. Does the exemption also apply to dependent and/or spousal health benefits that are included as part of the health benefits provided for retired participants?

A4. Yes. Because dependent and/or spousal health benefits are benefits provided to the retired participant, the exemption applies to these benefits, just as it does to the health benefits for the retired participant. However, dependent and/or spousal benefits need not be identical to the health benefits provided for retired participants. Consequently, dependent and/or spousal benefits may be altered, reduced or eliminated pursuant to the exemption whether or not the health benefits provided for retired participants are similarly altered, reduced or eliminated.

Q5. Does the exemption permit employers to use Medicare (or comparable State health benefit plan) eligibility, or the age of Medicare eligibility (or the age of eligibility for a comparable State health benefit plan) as a basis for other acts, practices or decisions regarding retirees?

A5. No. Employer use of Medicare (or comparable State health benefit plan) eligibility or the age of Medicare eligibility (or the age of eligibility for a comparable State health benefit plan) in a manner other than as specified in paragraph (b) of this section likely would be considered reliance upon an age-defined factor. Reliance upon an age-defined factor in making distinctions in employee benefits violates the Act, unless the employer satisfies one of the Act’s specified defenses or exemptions.

Q6. Does the exemption apply to existing, as well as to newly created, employee benefit plans?

A6. Yes. The exemption applies to all retiree health benefits that coordinate with Medicare (or a comparable State health benefit plan) as specified in paragraph (b) of this section, whether those benefits are provided for in an existing or newly created employee benefit plan.

Q7. Does the exemption apply to health benefits that are provided to current employees who are at or over the age of Medicare eligibility (or the age of eligibility for a comparable State health benefit plan)?

A7. No. The exemption applies only to retiree health benefits, not to health benefits that are provided to current employees. Thus, health benefits for current employees must be provided in a manner that comports with the requirements of the Act. Moreover, under the laws governing the Medicare program, an employer must offer to current employees who are at or over the age of Medicare eligibility the same health benefits, under the same conditions, that it offers to any current employee under the age of Medicare eligibility.

[FR Doc. 03–17738 Filed 7–11–03; 8:45 am]

**BILLING CODE 6570–01–P**

## **DEPARTMENT OF COMMERCE**

### **National Oceanic and Atmospheric Administration**

#### **50 CFR Part 648**

[Docket No. 030409081–3081–01; I.D. 032103B]

**RIN 0648–AQ72**

### **Fisheries of the Northeastern United States; Magnuson-Stevens Fishery Conservation and Management Act Provisions; Northeast (NE) Multispecies Fishery**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Withdrawal of a portion of a proposed rule.

**SUMMARY:** NMFS withdraws a portion of a proposed emergency rule, published on April 24, 2003, which proposed continuation of NE multispecies management measures implemented on August 1, 2002, and DAS Leasing Program (Program). NMFS will not implement that portion of the proposed emergency rule that proposed the Program.

**FOR FURTHER INFORMATION CONTACT:** Thomas Warren, Fishery Policy Analyst, (978) 281–9347, fax (978) 281–9135, e-mail Thomas.Warren@noaa.gov.

#### **SUPPLEMENTARY INFORMATION:**

#### **Background**

On August 1, 2002, NMFS published an interim final rule (67 FR 50292), which implemented the Settlement Agreement in Conservation Law Foundation, et al. v. Evans, et al. Civil No. 00–1134 (D.D.C.). The August 1, 2002, interim final rule was in response to a Remedial Order issued on May 23, 2002, by the U.S. District Court for the District of Columbia (Court). Pursuant to the Court’s Remedial Order, the measures implemented in the August 1, 2002, interim final rule are expected to remain in place until implementation of Amendment 13 to the NE Multispecies Fishery Management Plan (FMP). Because the Court granted an extension of the Amendment 13 implementation date until May 1, 2004, and because the August 1, 2002, interim final rule was to expire on July 27, 2003, NMFS published a proposed emergency rule on April 24, 2003, (68 FR 20096) that would continue the current measures until implementation of Amendment 13.

In addition to continuing the management measures that were first implemented on August 1, 2002, (as

specified in the Settlement Agreement), the proposed emergency rule included measures to implement a DAS Leasing Program under its emergency action authority (section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act and 62 FR 44421, August 21, 1997) in order to mitigate the potential harm resulting from the continuation of the August 1, 2002, interim final rule measures. The April 24, 2003, proposed emergency rule specified a Program that would have allowed limited access NE multispecies vessels to lease their NE multispecies DAS. The intent of the Program was to alleviate some of the negative economic and social impacts that may result from the reduced DAS allocations that will continue as a result of implementation of the final emergency rule. The Program was designed to maintain conservation neutrality, i.e., to maintain groundfish fishing effort close to the level that would be fished under the current management measures in the absence of the Program. The impetus for the Program was a request by the New England Fishery Management Council (Council) on May 20, 2002, that NMFS implement a DAS leasing program, on a permanent basis, through the most expedient mechanism. The Council, which is considering such a Program to be implemented on a permanent basis in Amendment 13, reiterated this request to NMFS on December 19, 2002. Additional information regarding the proposed Program measures appears in the preamble of the April 24, 2003, proposed emergency rule and is not repeated here.

Due to the newness and potential controversy of the DAS Leasing Program and its implications, NMFS published a notice in the **Federal Register** (68 FR 28188; May 23, 2003) that extended the comment period on the DAS leasing aspect of the proposed emergency rule only through June 10, 2003, (the comment period on the Settlement Agreement measured remained unchanged and, thus, ended on May 27, 2003). Extension of the comment period on the Program allowed additional time for the public to comment on this important component of the proposed emergency rule. On June 27, 2003, a final emergency rule that continued the Settlement Agreement measures, with modifications, was published in the **Federal Register** (68 FR 38234). That rule did not contain measures pertaining to the proposed Program because of the extension of the comment

period for the DAS leasing aspect of the proposed emergency rule.

One hundred and twenty-seven comments regarding the Program were received, the majority of which were from vessel owners and crew members. Other comments were submitted by other interested parties such as net manufacturers, seafood buyers, seafood processors, environmental organizations and state governments. Seventy-eight comments were in support of the Program, 48 were in opposition to the Program, and one took no position. The following organizations opposed the proposed Program: Cape Cod Hook Fisherman's Association, Island Institute, New Hampshire Marine Coalition, North Atlantic Marine Alliance, Northeast Seafood Coalition, Ocean Conservancy, Oceana, State of Maine Department of Marine Resources, State of Maine Department of Marine Resources Advisory Council, Stonington Fisheries Alliance, and West End Fisherman's Association. The following organizations supported the DAS Leasing Program: Associated Fisheries of Maine, Atlantic Offshore Lobstermen's Association, Portland Fish Exchange, and Sea Fresh USA (Portland buyer). The Small Business Administration's Office of Advocacy submitted a comment that encouraged NOAA Fisheries to give full consideration to the comments of all members of the small business community prior to making a final determination on whether to implement the Program.

There were two major recurring concerns expressed by commenters. The first concern was that the program would not help those vessels with a low number of DAS to obtain additional DAS to fish because such vessels would not be able to afford to lease DAS from other vessels. The commenters presumed that vessels that are large, financially successful, or have cash on hand would out-compete the small, financially marginal, or cash-poor vessels in the DAS leasing market. Commenters feared that the proposed Program would signal a shift in the make-up of the fishery toward corporate owned vessels with high landings. The second concern expressed was that the Program would not be conservation neutral, but would instead cause an increase in fishing effort and landings, and result in the need for additional fishing effort restrictions in the future. One commenter stated that DAS leasing is not appropriate in light of the sustained overfishing that has occurred over time, and the current importance of controlling fishing effort in the interim period (prior to implementation of

Amendment 13). Some commenters believe that an emergency rule is not a proper regulatory mechanism to implement a new management tool that they perceive may have far-reaching implications for important aspects of the fishery in the future (e.g., fleet composition, allocative decisions).

Supporters of the program stated that the ability to lease DAS would enable them to remain economically viable and would be crucial to the survival of a full-time fishery. Commenters stated that the program would most help those that depend upon groundfish, would allow vessels to obtain a sufficient number of DAS to have a full-time job, and would be good for safety by enabling generation of additional revenue that could be used to maintain vessels. Many commenters stated that a DAS Leasing Program would maintain the continuity of groundfish landings and income, and enhance the future continuity of the infrastructure that supports the NE multispecies fishery. Some commenters were not concerned about the potential for the Program to influence the number or type of vessels that are active in the fishery, and stated that the NE multispecies fishery needs to expand and contract as conditions warrant.

Due to the level of uncertainty about potential positive and negative impacts of the proposed Program, aspects of the Program that are not supported by the public, the highly controversial nature of the Program, and the fact that a permanent DAS leasing program is under consideration in Amendment 13, NMFS believes that a DAS leasing program should not be implemented at this time on an interim basis only. Such a program is more appropriately addressed through a full public process, such as the development of Amendment 13. Therefore, NMFS is withdrawing that portion of the April 24, 2003, proposed emergency rule that would have implemented the Program. The other measures in the proposed emergency rule were approved and published in the June 27, 2003, final emergency rule.

This notification is not intended to solicit additional public comments to those already obtained in response to the proposed emergency rule, but rather to provide the public with notification regarding the decision of NMFS not to implement the proposed Program.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: July 9, 2003.

**Rebecca Lent,**

*Deputy Assistant Administrator for  
Regulatory Programs, National Marine  
Fisheries Service.*

[FR Doc. 03-17727 Filed 7-9-03; 2:09 pm]

**BILLING CODE 3510-22-S**

# Notices

Federal Register

Vol. 68, No. 134

Monday, July 14, 2003

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[Docket No. FV-03-330]

#### United States Standards for Grades of Apple Juice From Concentrate

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Notice; withdrawal.

**SUMMARY:** The Agricultural Marketing Service (AMS) is withdrawing the notice soliciting comments on its proposed United States Standards for Grades of Apple Juice from Concentrate. After reviewing and considering the comments received, the Agency has decided not to proceed with the action.

**EFFECTIVE DATE:** July 14, 2003.

#### FOR FURTHER INFORMATION CONTACT:

Lydia E. Berry, Processed Products Branch, Fruit and Vegetable Programs, Agricultural Marketing Service, U.S. Department of Agriculture, Room 0709, South Building; STOP 0247, Washington, DC 20250; faxed to (202) 690-1527; or e-mailed to [lydia.berry@usda.gov](mailto:lydia.berry@usda.gov).

#### Background

On May 28, 1996, Processed Apples Institute, (PAI) Inc., an association of producers of processed apple products, requested that USDA develop a standard for apple juice from concentrate to be used by the industry. The petitioner provided information on style, and descriptions to AMS to develop the standard. After researching the issue, AMS issued a discussion draft in December 1996 and distributed copies for input to the petitioner, and the National Food Processors Association (NFPA). Input from the above groups was used to develop the proposed standard. In December 1998, after several attempts to solicit comments on the draft, the Agency suspended further action on the petition due to lack of

industry interest. In late 1999, PAI requested that the Agency resume work on the proposed standard, and submitted additional criteria for evaluation of defects in January 2000.

Based on the results of the information previously gathered, and evaluation of the submitted criteria, AMS proposed to establish standards for apple juice from concentrate following the standard format for U.S. Grade Standards. A notice was published in the **Federal Register** on November 21, 2001 (66 FR 58430 to 58431) requesting comments on the proposed United States Standards for Grades of Apple Juice From Concentrate. The action would create grade standards for apple juice from concentrate that would include a description of the product, style, grades, ascertaining the grade by sample, and ascertaining the grade by lot. The proposed standards would provide a common language for trade, a means of measuring value in the marketing of apple juice from concentrate, and provide guidance in the effective utilization of apple juice from concentrate.

Prior to the close of the comment period, Congressional representatives from a major apple producing area requested the Agency provide additional time for interested persons to comment on the proposed standards. The Congressmen stated in their letters that extending the comment period would enable the many growers and processors in their districts that voiced their concern to their offices to respond to our solicitation for comments. After reviewing the request, the Department reopened and extended the comment period in order to allow sufficient time for all interested persons to file comments. A notice was published in the **Federal Register** on March 20, 2002 (67 FR 12958) providing for an additional 30 day comment period.

AMS received a total of twenty-four comments in response to the notice published in the **Federal Register**.

Two comments were in favor of the proposal to establish the standards, twenty-one comments were opposed to the proposal for various reasons, and one requested changes and did not express a position.

The comments reflect a diverse spectrum of technical views as well as considerable opposition within the industry to the proposed standards.

After reviewing and considering the comments received, the Agency has decided not to proceed with the action. Therefore, the notice published November 21, 2001 (66 FR 58430 to 58431) is withdrawn.

**Authority:** 7 U.S.C 1621-1627.

Dated: July 7, 2003.

**A.J. Yates,**

*Administrator, Agricultural Marketing Service.*

[FR Doc. 03-17669 Filed 7-11-03; 8:45 am]

**BILLING CODE 3410-02-P**

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Fresno County Resource Advisory Committee

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of meeting.

**SUMMARY:** The Fresno County Resource Advisory Committee will meet in Clovis, California. The purpose of the meeting is to discuss and to recommend project proposals for FY2003 funds regarding the Secure Rural Schools and Community Self-Determination Act of 2000 (Pub. L. 106-393) for expenditure of Payments to States Fresno County Title II Funds.

**DATES:** The meeting will be held on August 19, 2003 from 6:30 p.m. to 9:30 p.m.

**ADDRESSES:** The meeting will be held at the Sierra National Forest, Forest Supervisor's Office, 1600 Tollhouse Road, Clovis, California 93611-0532. Send written comments to Rick Larson, Fresno County Resource Advisory Committee Coordinator, c/o Sierra National Forest, High Sierra Ranger District, 29688 Auberry Road, Prather, CA 93651 or electronically to [relarson@fs.fed.us](mailto:relarson@fs.fed.us).

**FOR FURTHER INFORMATION CONTACT:** Rick Larson, Fresno County Resource Advisory Committee Coordinator, (559) 855-5355 ext. 3319.

**SUPPLEMENTARY INFORMATION:** The meeting is open to the public. Committee discussion is limited to Forest Service staff and Committee members. However, persons who wish to bring Payments to States Fresno County Title II project matters to the attention of the Committee may file written statements with the Committee



staff before or after the meeting. Public sessions will be provided and individuals who made written requests by August 19, 2003 will have the opportunity to address the Committee at those sessions. Agenda items to be covered include: (1) Allocation of FY2003 resource funding; (2) Call for new projects; (3) Establish schedule for report back from project recipients; (4) Public comment.

Dated: July 1, 2003.

**Ray Porter,**

*District Ranger.*

[FR Doc. 03-17697 Filed 7-11-03; 8:45 am]

**BILLING CODE 3410-11-M**

## COMMISSION ON CIVIL RIGHTS

### Sunshine Act Meeting

**AGENCY:** Commission on Civil Rights.

**DATES:** Friday, July 18, 2003, 9:30 a.m.

**PLACE:** Commission on Civil Rights, 624 Ninth Street, NW., Room 540, Washington, DC 20425.

### Status

#### Agenda

- I. Approval of Agenda
- II. Approval of Minutes of June 20, 2003 Meeting
- III. Announcements
- IV. Staff Director's Report
- V. Ten-Year Check-Up: Have Federal Agencies Responded to Civil Rights Recommendations: Volume III
- VI. A Quiet Crisis: Federal Funding and Unmet Needs in Indian Country
- VII. Future Agenda Items

11 a.m. Briefing on Community Reinvestment Challenges: Credit Access and Capital Accumulation in Low Income and Minority Communities.

**FOR FURTHER INFORMATION CONTACT:** Les Jin, Press and Communications, (202) 376-7700.

**Debra A. Carr,**

*Deputy General Counsel.*

[FR Doc. 03-17820 Filed 7-10-03; 10:55 am]

**BILLING CODE 6335-0-M**

## DEPARTMENT OF COMMERCE

### Economics and Statistics Administration

### Performance Review Board Membership

**SUMMARY:** Below is a listing of individuals who are eligible to serve on the Performance Review Board in accordance with the Economics and Statistics Administration Senior

Executive Service (SES) Performance Appraisal System.

Hermann Habermann  
Cynthia Z.F. Clark  
Theodore A. Johnson  
Richard W. Swartz  
Marvin D. Raines  
Gloria A. Gutierrez  
Frederick T. Knickerbocker  
Thomas L. Mesenbourg  
Preston J. Waite  
Arnold A. Jackson  
Nancy M. Gordon  
William G. Bostic, Jr.  
Chester E. Bowie  
John F. Long  
C. Harvey Monk  
Walter C. Odom, Jr.  
Judith N. Petty  
Alan R. Tupek  
Carol M. Van Horn  
Daniel H. Weinberg  
Tommy Wright  
J. Steven Landefeld  
Rosemary D. Marcuss  
Ralph H. Kozlow  
Brent R. Moulton  
Sumiye O. Okubo  
Suzette C. Kern  
Dennis J. Fixler  
Barbara M. Fraumeni  
John W. Ruser  
James K. White  
Katherine Wallman

### FOR FURTHER INFORMATION CONTACT:

Nancy Osborn, 301-763-3727.

Dated: July 3, 2003.

**James K. White,**

*Associate Under Secretary for Management, Chair, Performance Review Board.*

[FR Doc. 03-17717 Filed 7-11-03; 8:45 am]

**BILLING CODE 3510-BS-M**

## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A-475-818; C-475-819]**

### Notice of Final Results of Antidumping and Countervailing Duty Changed Circumstances Reviews: Certain Pasta From Italy

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**ACTION:** Notice of final results of antidumping and countervailing duty changed circumstances reviews.

**SUMMARY:** On April 7, 2003, the Department of Commerce (the Department) published the notice of initiation and preliminary results of its changed circumstances reviews examining whether Pasta Lensi S.r.l. (Lensi) is the successor-in-interest to

Italian American Pasta Company Italia S.r.l. (IAPC) for purposes of determining antidumping and countervailing duty liability. *See Notice of Initiation and Preliminary Results of Antidumping and Countervailing Duty Changed Circumstances Reviews: Certain Pasta from Italy*, 68 FR 16763 (*Preliminary Results*).

As a result of these reviews, the Department finds that Lensi is the successor-in-interest to IAPC, and Lensi should retain the antidumping and countervailing duty deposit rates assigned to IAPC by the Department in the most recently completed antidumping and countervailing duty administrative reviews.

**EFFECTIVE DATES:** July 14, 2003.

### FOR FURTHER INFORMATION CONTACT:

Alicia Kinsey (Antidumping) or Stephen Cho (Countervailing), Office of AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-4793 or (202) 482-3798, respectively.

### SUPPLEMENTARY INFORMATION:

### The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department's regulations refer to the regulations codified at 19 CFR part 351 (2002).

### Background

On April 7, 2003, the Department published the notice of initiation and preliminary results of its changed circumstances reviews examining whether Lensi is the successor-in-interest to IAPC for purposes of determining antidumping and countervailing duty liability. *See Preliminary Results*, 68 FR 16763. We gave interested parties 30 days to comment on our preliminary results. However, no interested parties provided comments or requested a hearing.

### Scope of Reviews

Imports covered by these reviews are shipments of certain non-egg dry pasta in packages of five pounds (2.27 kilograms) or less, whether or not enriched or fortified or containing milk or other optional ingredients such as chopped vegetables, vegetable purees, milk, gluten, diastases, vitamins, coloring and flavorings, and up to two percent egg white. The pasta covered by

this scope is typically sold in the retail market, in fiberboard or cardboard cartons, or polyethylene or polypropylene bags of varying dimensions.

Excluded from the scope of these reviews are refrigerated, frozen, or canned pastas, as well as all forms of egg pasta, with the exception of non-egg dry pasta containing up to two percent egg white.

The merchandise subject to review is currently classifiable under item 1902.19.20 of the *Harmonized Tariff Schedule of the United States (HTSUS)*. Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the merchandise subject to the orders is dispositive.

### Scope Rulings

The Department has issued the following scope rulings to date:

(1) On August 25, 1997, the Department issued a scope ruling that multicolored pasta, imported in kitchen display bottles of decorative glass that are sealed with cork or paraffin and bound with raffia, is excluded from the scope of the antidumping and countervailing duty orders. *See Memorandum from Edward Easton to Richard Moreland*, dated August 25, 1997, which is on file in the Central Records Unit (CRU), room B-099 of the main Commerce Department Building.

(2) On July 30, 1998, the Department issued a scope ruling, finding that multipacks consisting of six one-pound packages of pasta that are shrink-wrapped into a single package are within the scope of the antidumping and countervailing duty orders. *See Letter from Susan H. Kuhbach to Barbara P. Sidari*, dated July 30, 1998, which is available in the CRU.

(3) On October 23, 1997, the petitioners filed an application requesting that the Department initiate an anti-circumvention investigation of Barilla, an Italian producer and exporter of pasta. The Department initiated the investigation on December 8, 1997 (62 FR 65673). On October 5, 1998, the Department issued its final determination that Barilla's importation of pasta in bulk and subsequent repackaging in the United States into packages of five pounds or less constitutes circumvention, with respect to the antidumping duty order on pasta from Italy pursuant to section 781(a) of the Act, and 19 CFR 351.225(b). *See Anti-circumvention Inquiry of the Antidumping Duty Order on Certain Pasta from Italy: Affirmative Final Determination of Circumvention of the*

*Antidumping Duty Order*, 63 FR 54672 (October 13, 1998).

(4) On October 26, 1998, the Department self-initiated a scope inquiry to determine whether a package weighing over five pounds as a result of allowable industry tolerances is within the scope of the antidumping and countervailing duty orders. On May 24, 1999, we issued a final scope ruling finding that, effective October 26, 1998, pasta in packages weighing or labeled up to (and including) five pounds four ounces is within the scope of the antidumping and countervailing duty orders. *See Memorandum from John Brinkmann to Richard Moreland*, dated May 24, 1999, which is available in the CRU. The following scope ruling is pending:

(5) On April 27, 2000, the Department self-initiated an anti-circumvention inquiry to determine whether Pagani's importation of pasta in bulk and subsequent repackaging in the United States into packages of five pounds or less constitutes circumvention, with respect to the antidumping and countervailing duty orders on pasta from Italy pursuant to section 781(a) of the Act and 19 CFR 351.225(b). *See Certain Pasta from Italy: Notice of Initiation of Anti-circumvention Inquiry of the Antidumping and Countervailing Duty Orders*, 65 FR 26179 (May 5, 2000).

### Successorship and Final Results of Reviews

On the basis of the record developed in these changed circumstances reviews, we find Lensi to be the successor-in-interest to IAPC for purposes of determining antidumping and countervailing duty liability. For a complete discussion of the basis for this decision, *see the Preliminary Results* (68 FR 16763, April 7, 2003). We received no comments from any party on the *Preliminary Results*, and, therefore, have adopted the same position for these final results. Therefore, Lensi shall retain the antidumping and countervailing duty deposit rates assigned to IAPC by the Department in the most recently completed administrative reviews of the subject merchandise. This cash deposit rate is effective for all shipments of the subject merchandise from Lensi entered, or withdrawn from warehouse, for consumption on or after the publication date of this notice.

This notice also serves as a final reminder to parties subject to administrative protective orders (APOs) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Failure to

timely notify the Department in writing of the return/destruction of APO material is a sanctionable violation.

We are issuing and publishing these results and notice in accordance with sections 751(b)(1) and 777(i)(1) of the Act, and 19 CFR 351.216 and 19 CFR 351.221(c)(3).

Dated: July 8, 2003.

**Jeffrey May,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. 03-17746 Filed 7-11-03; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-489-805; C-489-806]

### Notice of Final Results of Changed Circumstances Antidumping and Countervailing Duty Administrative Reviews: Certain Pasta From Turkey

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**ACTION:** Notice of final results of changed circumstances antidumping and countervailing duty administrative reviews.

**SUMMARY:** On April 7, 2003, the Department of Commerce (the Department) published the notice of preliminary results of its changed circumstances reviews examining whether Gidasa Sabanci Gida Sanayi ve Ticaret A.S. (Gidasa) is the successor-in-interest to Maktas Makarnacilik ve Ticaret A.S. (Maktas) for purposes of determining antidumping and countervailing duty liability. (*See Notice of Initiation and Preliminary Results of Changed Circumstances Antidumping and Countervailing Duty Administrative Reviews: Certain Pasta from Turkey*, 68 FR 16761 (*Preliminary Results*)). As a result of these reviews, the Department finds that Gidasa is the successor-in-interest to Maktas, and Gidasa should retain the deposit rates assigned to Maktas by the Department in the most recently completed antidumping and countervailing duty administrative reviews.

**EFFECTIVE DATE:** July 14, 2003.

### FOR FURTHER INFORMATION CONTACT:

Mark Young or Eric Greynolds (Antidumping) or Jennifer Jones (Countervailing), Office of AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-6397,

(202) 482-6071, or (202) 482-1664, respectively.

#### SUPPLEMENTARY INFORMATION:

##### The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department's regulations refer to the regulations codified at 19 CFR part 351 (2002).

##### Background

On July 24, 1996, the Department published in the **Federal Register** the antidumping and countervailing duty orders on pasta from Turkey (61 FR 38545-38547). On February 12, 2003, Gidasa submitted information stating that Gidasa is the successor-in-interest to Maktas and, as such, Gidasa is entitled to receive the same antidumping and countervailing duty treatment as is accorded Maktas. On March 5, 2003, petitioners entered their appearance and objected to an expedited treatment of these changed circumstances reviews on the basis that such treatment would preclude a "full and meaningful" participation of all parties. Subsequently, on March 7, 2003, Gidasa submitted comments on petitioners' objections and provided further support for its expedited treatment request. On April 7, 2003, the Department published the initiation and the preliminary results of its changed circumstances reviews in the above-named case. See *Preliminary Results* (68 FR 16761). We gave interested parties 30 days to comment on our preliminary results. However, no interested parties have provided comments or requested a hearing.

##### Scope of the Reviews

Imports covered by these reviews are shipments of certain non-egg dry pasta in packages of five pounds (2.27 kilograms) or less, whether or not enriched or fortified or containing milk or other optional ingredients such as chopped vegetables, vegetable purees, milk, gluten, diastases, vitamins, coloring and flavorings, and up to two percent egg white. The pasta covered by this scope is typically sold in the retail market, in fiberboard or cardboard cartons, or polyethylene or polypropylene bags of varying dimensions.

Excluded from the scope of these reviews are refrigerated, frozen, or canned pastas, as well as all forms of egg pasta, with the exception of non-egg

dry pasta containing up to two percent egg white.

The merchandise subject to review is currently classifiable under item 1902.19.20 of the *Harmonized Tariff Schedule of the United States (HTSUS)*. Although the *HTSUS* subheading is provided for convenience and customs purposes, the written description of the merchandise subject to the orders is dispositive.

##### Scope Rulings

The Department has issued the following scope ruling to date:

(1) On October 26, 1998, the Department self-initiated a scope inquiry to determine whether a package weighing over five pounds as a result of allowable industry tolerances is within the scope of the antidumping and countervailing duty orders. On May 24, 1999, we issued a final scope ruling finding that, effective October 26, 1998, pasta in packages weighing or labeled up to (and including) five pounds four ounces is within the scope of the antidumping and countervailing duty orders. See *Memorandum from John Brinkman to Richard Moreland*, dated May 24, 1999, in the case file in the Central Records Unit, main Commerce building, room B-099 (the CRU).

##### Successorship and Final Results of Reviews

On the basis of the record developed in these changed circumstances reviews, we determine Gidasa to be the successor-in-interest to Maktas for purposes of determining antidumping and countervailing duty liability. For a complete discussion of the basis for this decision see the *Preliminary Results* (68 FR 16761, April 17, 2003). We received no comments from any party on the *Preliminary Results* and, therefore, have adopted the same position for these final results. Therefore, Gidasa shall retain the antidumping and countervailing duty deposit rates assigned to Maktas by the Department in the most recent administrative reviews of the subject merchandise. This cash deposit rate is effective for all shipments of the subject merchandise from Gidasa entered, or withdrawn from warehouse, for consumption on or after the publication date of this notice.

This notice also serves as a final reminder to parties subject to administrative protective orders (APOs) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Failure to timely notify the Department in writing of the return/destruction of APO material is a sanctionable violation.

We are issuing and publishing these results and notice in accordance with sections 751(b)(1) and 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.216 and 19 CFR 351.221(c)(3).

Dated: July 8, 2003.

Jeffrey May,

Acting Assistant Secretary for Import Administration.

[FR Doc. 03-17747 Filed 7-11-03; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-846]

#### Brake Rotors from the People's Republic of China: Notice of Partial Rescission of the Ninth New Shipper Antidumping Duty Review

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**ACTION:** Notice of Partial Rescission of Antidumping Duty Administrative Review.

**SUMMARY:** On June 5, 2003, in response to a request by three exporters of the subject merchandise from the People's Republic of China ("PRC"),<sup>1</sup> the Department of Commerce ("the Department") initiated the ninth new shipper review of the antidumping duty order on brake rotors from the PRC. The period of review is April 1, 2002 through March 31, 2003<sup>2</sup>. This review has now been partially rescinded as a result of the withdrawal of the request for review by Anda.

**EFFECTIVE DATE:** July 14, 2003.

#### FOR FURTHER INFORMATION CONTACT:

Brian Smith, Terre Keaton or Margarita Panayi, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 482-1766, (202) 482-1280 or 482-0049, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

On June 5, 2003, the Department of Commerce initiated a new shipper review of Anda, Laizhou Luqi and

<sup>1</sup> The three exporters are (1) Anda Industries Co., Ltd. ("Anda"); (2) Laizhou City Luqi Machinery Co., Ltd. ("Laizhou Luqi"); and (3) Qingdao Rotec Auto Parts Co., Ltd. ("Qingdao Rotec").

<sup>2</sup> On May 16, 2003, Anda, Laizhou Luqi and Qingdao Rotec waived the new shipper time limits specified in 19 CFR 351.214(j)(3), and we subsequently aligned this new shipper review with the sixth antidumping duty administrative review of brake rotor from the PRC.

Qingdao Rotec (*see Brake Rotors from the People's Republic of China: Initiation of the Ninth New Shipper Antidumping Duty Review*, 68 FR 33675 (June 5, 2003)). On June 17, 2003, Anda withdrew its request for review.

#### Partial Rescission of Review

Pursuant to 19 CFR 351.214 (f), the Secretary will rescind a new shipper review in whole or in part if a party that requested the review withdraws its request within sixty days of publication of the **Federal Register** notice that initiated the review. In accordance with 19 CFR 351.214(f), Anda withdrew its request for review within the 60-day period.

Accordingly, we are rescinding in part this review of the antidumping duty order on brake rotors from the PRC with respect to Anda. This review will continue with respect to Laizhou Luqi and Qingdao Rotec. Furthermore, bonding will no longer be permitted to fulfill security requirements for shipments of brake rotors from the PRC produced and exported by Anda that are entered, or withdrawn from warehouse, for consumption in the United States on or after the publication of this rescission notice in the **Federal Register**.

This notice is published in accordance with section 751 of the Act and 19 CFR 351.214(d).

Dated: July 8, 2003.

**Jeffrey May,**

*Deputy Assistant Secretary for Import Administration.*

[FR Doc. 03-17745 Filed 7-11-03; 8:45 am]

BILLING CODE 3510-DS-S

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-549-813]

#### Final Court Decisions and Amended Final Determination of Sales at Less Than Fair Value: Canned Pineapple Fruit from Thailand

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**ACTION:** Notice of Final Court Decisions and Amended Final Determination of Sales at Less Than Fair Value.

**SUMMARY:** On July 28, 1999, the United States Court of Appeals for the Federal Circuit (CAFC) reversed a United States Court of International Trade (CIT) finding that the Department wrongly allocated raw material costs of pineapple in its calculation of a weighted average dumping margin in its amended final determination of sales at

less than fair value and held that the Department's allocation methodologies were reasonable and supported by substantial evidence. *See Notice of Antidumping Duty Order and Amended Final Determination: Canned Pineapple Fruit From Thailand*, 60 FR 36775 (July 18, 1995) (*Amended Final Determination*) and *The Thai Pineapple Public Co. v. United States*, 187 F.3d 1362 (Fed. Cir. 1999), *reh'g en banc denied*, 1999 US App LEXIS 31385 (Fed. Cir. Oct. 28, 1999), *cert. denied sub nom. Dole Food Co. v. United States*, 529 US 1097 (2000) (*CAFC Decision*). The *CAFC Decision*, while affirming the Department's practice with respect to the fruit cost allocation issue affecting the calculation, nonetheless, necessitated a change in the most recent calculation of the weighted average margin of Dole Food Company, Inc., Dole Packaged Foods Company, and Dole Thailand, Ltd (collectively, Dole), pursuant to a remand determination ordered by the CIT in *The Thai Pineapple Public Co. v. United States*, 946 F. Supp. 11 (Ct. Int'l Trade 1996) (*CIT Decision I*). As there are now final and conclusive court decisions with respect to the litigation pertaining to this proceeding, we are hereby amending our amended final determination to reflect the methodology for raw material allocation used by the Department in its amended final determination of July 18, 1995 with respect to Dole's weighted average margin calculation. We will, however, retain the CIT-mandated amendment to the calculations regarding consistent time periods (as they regard shipment volumes) for purposes of calculating Dole's weighted average margin. This change was affirmed by the CIT in *The Thai Pineapple Public Co. v. United States*, Slip Op. 97-32, 1997 Ct. Int'l Trade LEXIS 30 (March 18, 1997) (*CIT Decision II*) and was not challenged before the CAFC.

Currently, there are outstanding entries that were not liquidated as they were subject to an injunction entered pursuant to this litigation. As the litigation on the *Amended Final Determination* is now complete, the injunction is no longer in effect. The Department will subsequently instruct the U.S. Bureau of Customs and Border Protection (BCBP) to liquidate any outstanding Dole entries subject to the cash deposit rate established by this amended final determination.

**EFFECTIVE DATE:** July 14, 2003.

**FOR FURTHER INFORMATION CONTACT:** David Layton or Charles Riggle, Office 5, Group II, AD/CVD Enforcement, Import Administration, International Trade

Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-0371 and (202) 482-0650, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

On July 18, 1995, the Department of Commerce (the Department) published an amended final determination of sales at less than fair value for canned pineapple fruit (CPF) from Thailand (A-549-813). *See Amended Final Determination*. Subsequent to our publication of this amended final determination, Dole challenged certain aspects of our margin calculation methodology for the *Amended Final Determination* before the CIT. On November 8, 1996, the CIT issued an order to the Department with respect to the *Amended Final Determination*. *See CIT Decision I*. In this order, the CIT directed the Department to use a consistent time period for the calculation of shipment ratios used to weight Dole's average dumping margin for all products from Thailand.<sup>1</sup> The CIT also instructed the Department to correct the effective date of the antidumping order with respect to Dole, to consider Dole's evidence in support of a U.S. dollar inventory cost measure, and to use a non-output price based methodology to allocate the raw material costs of pineapple between solid and non-solid outputs. *Id.* Only two of the CIT's instructions resulted in changes in Dole's weighted average margin calculation: the revision of the fruit cost allocation methodology and the change in the time periods used for calculating Dole's weighted average dumping margin. The Department fully complied with the court order in its final results of redetermination pursuant to the court remand. *See Final Results of Redetermination Pursuant to Court Remand, Thai Pineapple Public Co. v. United States*, Consol. Court No. 95-00-01064, Slip Op. 96-182 signed on February 3, 1997 and issued on February 4, 1997 (*CIT Remand Results*).

<sup>1</sup> Since Dole was unable to distinguish between its shipments to the United States of pineapple grown and canned in Thailand and that grown and canned in the Philippines, the Department calculated a dumping margin for Dole by weight-averaging the dumping margin for each product category according to the ratio of shipment volumes from Thailand over the total volume shipped to the United States from Thailand and the Philippines. Because the Department had originally used inconsistent time periods for its tally of Thai and Filipino shipments, the CIT instructed it to use consistent time periods to count the shipments used in computing the ratio. *See CIT Remand Results at 1-2 and 4-5.*

*Id.* The CIT affirmed the Department's remand determination. *CIT Decision II*.

Although the Department complied with the CIT's instructions, the Department and Maui Pineapple Co., Ltd. (petitioner) appealed the CIT's decision to the United States Court of Appeals for the Federal Circuit (CAFC) only with respect to the issue of the allocation of raw material costs of pineapple. In a decision issued on July 28, 1999, the CAFC reversed the CIT finding that the Department wrongly allocated raw material costs of pineapple and held that the Department's allocation methodologies were reasonable and supported by substantial evidence. *See CAFC Decision*, 187 F.3d at 1369–70. Because the remaining issues in *CIT Decision II* were not appealed, including the timing period used to calculate Dole's weighted average margin calculation, those portions of the *CIT Decision II* not pertaining to the Department's fruit cost allocation methodology remain undisturbed by the *CAFC Decision*. As there are now final and conclusive court decisions with respect to the litigation pertaining to this proceeding, we are hereby amending our amended final determination. As described above, any outstanding entries are no longer subject to an injunction. We will instruct BCBP to liquidate any outstanding entries subject to the cash deposit rate established by this revised final determination.

#### Amendment To Final Determinations

Pursuant to 19 U.S.C. 1516(f), we are now amending the amended final determination of sales at less than fair value to reflect a revised weighted average margin for Dole. The revised weighted-average margin for Dole in the antidumping determination on canned pineapple from Thailand (A-549–813) for the period January 1, 1994 through June 30, 1994 is 1.25 percent. Accordingly, the Department will determine and the BCBP will assess appropriate antidumping duties on entries of the subject merchandise made by firms covered by the review of the period listed above. The Department will issue appraisement instructions directly to the BCBP within 15 days of the publication of this notice.

Dated: July 8, 2003.

**Jeffrey May,**

*Acting Assistant Secretary for Import Administration.*

[FR Doc. 03–17744 Filed 7–11–03; 8:45 am]

BILLING CODE 3510–DS–S

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570–803]

#### **Heavy Forged Hand Tools, Finished or Unfinished, With or Without Handles, From the People's Republic of China: Extension of Time Limit for Final Results of Antidumping Duty Administrative Review on Bars/Wedges**

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**EFFECTIVE DATE:** July 14, 2003.

**FOR FURTHER INFORMATION CONTACT:** Thomas Martin at (202) 482–3936, AD/CVD Enforcement, Office 4, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave, NW, Washington, DC 20230.

**SUPPLEMENTARY INFORMATION:** On March 27, 2002, the Department published a notice of initiation of administrative reviews of the antidumping duty orders on heavy forged hand tools from the People's Republic of China (PRC), covering the period February 1, 2001 through January 31, 2002. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocations in Part*, 67 FR 14696 (March 27, 2003). The deadline for the preliminary results of review for the order on bars/wedges was extended on October 22, 2002. *See Heavy Forged Hand Tools from the People's Republic of China: Extension of Time Limit for Preliminary Results of Antidumping Duty Administrative Review*, 67 FR 64869 (October 22, 2002). The preliminary results were published on March 6, 2003. *See Heavy Forged Hand Tools, Finished or Unfinished, With or Without Handles, From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review of the Order on Bars and Wedges*, 68 FR 10690 (March 6, 2003).

#### **Extension Of Time Limits For Final Results Of Review:**

Section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), requires the Department to complete its final results of review within 120 days after the date on which the preliminary results were published. However, the Department may extend the deadline for completion of an administrative review if it determines that it is not practicable to complete the review within the statutory time limit. Section 751(a)(3)(A) of the Act allows the Department to

extend the deadline for completion of the final results to 180 days from the date of publication of the preliminary results. As a result of the complex issues involved in this review, it is not practicable to complete this review by July 7, 2003, and we are extending the time limit for one month, to August 7, 2003. *See Memorandum from Thomas F. Futtner, Acting Office Director, to Holly A. Kuga, Acting Deputy Assistant Secretary*, dated concurrently with this notice, which is on file in the Central Records Unit, Room B-099 of the main Commerce building. This notice is published in accordance with section 735(a)(2) of the Act and 19 CFR 351.210(g).

Dated: July 7, 2003.

**Holly A. Kuga,**

*Acting Deputy Assistant Secretary/Import Administration, Group II.*

[FR Doc. 03–17743 Filed 7–11–03; 8:45 am]

BILLING CODE 3510–DS–S

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-357–812]

#### **Honey From Argentina; Extension of Time Limit for Preliminary Results of New Shipper Review**

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**ACTION:** Notice of extension of time limits.

**SUMMARY:** The Department of Commerce (the Department) is extending the time limit for the preliminary results of the 2001–2002 new shipper review of the antidumping duty order on honey from Argentina. This new shipper review covers one exporter of the subject merchandise to the United States and the period May 11, 2001 through November 30, 2002.

**EFFECTIVE DATE:** July 14, 2003.

**FOR FURTHER INFORMATION CONTACT:**

Angela Strom at (202) 482–2704 or Donna Kinsella at (202) 482–0194, Antidumping and Countervailing Duty Enforcement Group III, Office Eight, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230.

**SUPPLEMENTARY INFORMATION:** On February 6, 2003, in response to a request from Nutrin S.A., the exporter, and Nutrin Corporation, its affiliated U.S. company (collectively, “Nutrin”), we published a notice of initiation of

this new shipper antidumping duty administrative review in the **Federal Register**. See *Honey from Argentina: Initiation of New Shipper Antidumping Duty Administrative Review*, 68 FR 6114. Pursuant to the time limits for administrative reviews set forth in section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Tariff Act), the current deadlines are July 30, 2003 for the preliminary results and October 28, 2003 for the final results. It is not practicable to complete this review within the normal statutory time limit due to a number of significant case issues, such as sales below cost, high inflation, currency devaluation, and the bona fides of the transaction under review. Therefore, the Department is extending the time limit for completion of the preliminary results until November 28, 2003 in accordance with section 751(a)(3)(A) of the Tariff Act. The deadline for the final results of this review will continue to be 90 days after publication of the preliminary results.

This extension is in accordance with section 751(a)(3)(A) of the Tariff Act (19 U.S.C. 1675 (a)(3)(A) (2001)).

Dated: July 8, 2003.

**Barbara E. Tillman,**

*Acting Deputy Assistant Secretary for Import Administration, Group III.*

[FR Doc. 03-17748 Filed 7-11-03; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[I.D. 060503A]

#### Notice of Intent To Conduct Public Scoping and Prepare an Environmental Impact Statement for the Snohomish County, Washington, Habitat Conservation Plan

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce; U.S. Fish and Wildlife Service (USFWS), Interior

**ACTION:** Notice of Intent

**SUMMARY:** Pursuant to the National Environmental Policy Act, this notice advises the public that the USFWS and NMFS (collectively, the Services) intend to gather necessary information to prepare an environmental impact statement (EIS) related to the proposed approval of a Habitat Conservation Plan (HCP) and issuance of two incidental

take permits (Permits) (one from NMFS and one from USFWS) to take endangered and threatened species in accordance with the Endangered Species Act of 1973, as amended (ESA). The Permit applicant is Snohomish County, Washington, Department of Public Works (Department). The application is related to activities associated with the development and maintenance of transportation and drainage infrastructure, including substantial capital projects, in the North Lake Washington Watershed, in southwest Snohomish County. The Department intends to apply for the Permits for Puget Sound chinook salmon (*Oncorhynchus tshawytscha*), bull trout (*Salvelinus confluentus*), and certain other federally listed species. To address potential future listings, the Department also plans to seek coverage for approximately 14 unlisted fish and wildlife species under specific provisions of the Permits. In accordance with the ESA, the Department will prepare an HCP that includes measures to minimize and mitigate any take that could occur incidental to the proposed Permit activities (development and maintenance of transportation and drainage infrastructure).

The Services are furnishing this notice: (1) to advise other agencies and the public of the Services' intent to prepare an environmental review document, and (2) to obtain suggestions and information on the scope of issues to include in the environmental review.

**DATES:** Written comments from all interested parties must be received on or before August 13, 2003.

**ADDRESSES:** Comments and requests for information should be sent to Jo Ellen Henry, Fish and Wildlife Biologist, USFWS, 510 Desmond Drive, S.E., Suite 102, Lacey, Washington 98503-1263, facsimile (360) 753-9518; or Chris Clemons, Fisheries Biologist, Habitat Conservation Division, NMFS, 503 Desmond Way, Suite 103, Lacey, WA 98503, facsimile (206) 526-6736.

**FOR FURTHER INFORMATION CONTACT:** Jo Ellen Henry, USFWS, at telephone (360) 753-7766; or Chris Clemons, NMFS, at telephone (360) 753-9595.

#### SUPPLEMENTARY INFORMATION:

##### Comments

Written comments and suggestions are invited from all interested parties to ensure that the full range of issues related to this proposed action are identified. Comments will not be accepted via e-mail or the internet. All comments and materials received, including names and addresses, will become part of the administrative record

and may be released to the public. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

#### Background

The Lake Washington Watershed (Watershed) encompasses approximately 670 square miles [1,735 square Kilometers (Square Km)]. The Watershed boundary extends from southwest Snohomish County to south King County. The majority of the watershed (approximately 85 percent) lies within the boundaries of King County. The probable area covered by the proposed HCP lies within Snohomish County's portion of the watershed. Three sub-basins, North Creek, Swamp Creek, and Little Bear Creek, will be the focus of the HCP's covered area. While small segments are situated within King County, 95 percent of these sub-basins are within southwest Snohomish County (approximately 69 square miles (178 Square Km). The largest of these, North Creek, is nearly 29 square miles (75 Square Km), with approximately 27 square miles (69 Square Km) located within Snohomish County (94 percent of the sub-basin). The second largest, Swamp Creek, is nearly 25 square miles (64 Square Km) in size, with approximately 23 square miles (59 Square Km) located within Snohomish County (92 percent of the sub-basin). The smallest of the targeted sub-basins, Little Bear Creek, is just over 15 square miles (38 Square Km), and has approximately 13 square miles (33 Square Km) located within Snohomish County (87 percent of the sub-basin).

Snohomish County owns, and the Department maintains, an extensive system of roadways and drainage facilities within these basins. Departmentally maintained rights-of-way approach nearly 315 miles (506 meters) in total length. The majority of this roadway (88 percent) lies within a state-designated Urban Growth Area (UGA), which is zoned for high-density residential and industrial development. A small portion of the road system and its attendant infrastructure is located outside of the UGA, primarily within the Little Bear Creek sub-basin.

Presently, over 1.4 million people reside in the Greater Lake Washington Watershed. The population growth trend in the Puget Sound region demands an increasingly complex roadway and drainage facilities infrastructure. Snohomish County recognizes the need to maintain and upgrade its transportation system to

meet this demand, satisfy Washington State Growth Management Act requirements, and further improve transportation quality and safety. These proposed transportation system improvements include a series of substantial capital projects that would likely require construction near water bodies, habitat for Puget Sound chinook salmon, bull trout, and other listed and unlisted species. In addition, the Department has identified specific drainage improvement needs in the affected basins. These drainage improvements would also involve a series of substantial capital projects that are likely to affect water bodies, habitat for Puget Sound chinook salmon, bull trout, and other listed and unlisted species. The Services and Department agree that project-by-project ESA compliance decreases project certainty, increases expense, and can result in a fragmented and uncoordinated approach to species conservation. The Department's proposal is to develop an HCP, which will provide long-term assurances for constructing, upgrading, and maintaining Snohomish County's transportation and drainage systems while ensuring that the County's activities are conducted in a way that meets the conservation needs of 3 listed species and 15 unlisted fish and wildlife species (including Dolly Varden, *Salvelinus malma*, proposed for listing under the ESA's similarity of appearance provisions, and Coho salmon, *Oncorhynchus kisutch*, a candidate for listing under the ESA) with specific provisions in the Permits should these species be listed in the future.

Snohomish County's transportation and drainage construction and maintenance activities can harm listed species. ESA section 10 provides for the issuance of incidental take permits to non-Federal entities whose otherwise lawful activities cause the take of endangered and threatened species. The issuance criteria for an incidental take permit require that the take is incidental to otherwise lawful activities, and will not appreciably reduce the likelihood of the survival and recovery of the species in the wild. In addition, the applicant must prepare and submit to the Services for approval an HCP containing a strategy for minimizing and mitigating the effects of any incidental take to the maximum extent practicable. The applicant must also ensure that adequate funding will be provided for implementation of the HCP, and meet any other requirements that the Secretaries of Commerce and Interior might require.

Snohomish County has initiated discussions with the Services regarding the possibility of receiving permits that would cover take of listed species incidental to the following otherwise lawful activities:

- (1) Construction of new transportation facilities (roads and bridges, drainage and stormwater facilities, mitigation sites);
- (2) Maintenance of existing transportation facilities (roads and bridges, drainage and stormwater facilities);
- (3) Construction of new drainage infrastructure and facilities (drainage and stormwater facilities, culverts, mitigation sites);
- (4) Maintenance of existing drainage facilities (drainage and stormwater facilities, culverts, mitigation sites); and
- (5) Construction and maintenance of bank stabilization projects associated with county road rights-of-way (bank hardening).

The Snohomish County Public Works is currently considering the following types of conservation measures for the proposed HCP. These may include, but are not limited to:

- (1) A program of land conservation for the preservation, enhancement, and/or creation of suitable habitats for species addressed in the HCP to mitigate impacts associated with proposed construction and maintenance activities;
- (2) Development and implementation of construction and maintenance best management practices to avoid or minimize construction and maintenance impacts on species addressed in the HCP;
- (3) Commitment to continuing certain activities that are currently voluntary, targeted at reducing anthropogenic caused ecological conditions that limit the natural production of salmonids in the HCP Area (may include, but is not limited to, the following types of activities: impervious surface removal, stormwater retrofitting, and fish passage barrier removal);
- (4) Implementation of an adaptive management program with ongoing monitoring and adjustment of proposed covered activities; and
- (5) Continuing landowner outreach, education, and Water Resource Inventory Area planning participation.

The Services will conduct an environmental review of the issuance of the proposed requested Permits and proposed HCP by preparing an EIS. The EIS will analyze the proposed action (issuing the requested Permits) and alternatives to the proposed action, by comparing the impacts of the action on the human and natural environment to those that would occur under each of a

range of reasonable alternatives, including a No Action alternative. The Services will use the scoping process to develop alternatives to the proposed action. In addition to considering potential impacts on listed and other covered species and their habitats, the EIS could include information on potential impacts resulting from alternatives on other components of the human environment. Other components could include air quality, water quality and quantity, geology and soils, cultural resources, social resources, economic resources, and environmental justice.

The environmental review of this project will be conducted in accordance with the requirements of the National Environmental Policy Act of 1969, as amended (42 USC 4321 *et seq.*), National Environmental Policy Act Regulations (40 CFR 1500–1508), other appropriate Federal laws and regulations, and policies and procedures of the Services for compliance with those regulations.

Date: June 12, 2003.

**William F. Shake,**

*Acting, Deputy Regional Director, U.S. Fish and Wildlife Service, Region 1.*

Date: July 7, 2003.

**Phil Williams,**

*Chief, Endangered Species Division Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 03–17750 Filed 7–11–03; 8:45 am]

**BILLING CODE 3510–22–S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 070103A]

#### Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Approved Vessel Monitoring Systems for use in the South Atlantic Rock Shrimp Fishery

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of vessel monitoring systems; approval.

**SUMMARY:** This document provides notice of vessel monitoring systems (VMS) approved by NOAA for use by vessels participating in the limited access program for the Rock Shrimp Fishery of the South Atlantic Region and sets forth relevant features of the VMS.

**ADDRESSES:** To obtain copies of the list of NOAA approved VMS mobile



transmitting units and NOAA approved VMS communications service providers, or information regarding the status of VMS systems being evaluated by NOAA for approval, write to NOAA Fisheries Office for Law Enforcement (OLE), 8484 Georgia Avenue, Suite 415, Silver Spring, MD 20910.

To submit a completed and signed checklist, mail or fax it to NOAA Enforcement Southeast, 9721 Executive Center Drive North, Koger Building, St. Petersburg, FL 33702, fax: 727-570-5575.

For addresses regarding approved VMS, see the **SUPPLEMENTARY INFORMATION** section, under the heading VMS Provider Addresses.

**FOR FURTHER INFORMATION CONTACT:** For current listing information Mark Oswell, Outreach Specialist, phone: 301-427-2300, fax: 301-427-2055. For questions regarding status of evaluations, contact Jonathan Pinkerton, National VMS Program Manager, phone: 301-427-2300, fax: 301-427-2055. For questions regarding VMS installation or the installation checklist, contact Fred Kyle, Special Agent, or Beverly Lambert, Southeast Divisional VMS Program Manager, NOAA Enforcement Southeast, phone: 727-570-5344.

The public may acquire this notice, installation checklist, and relevant updates via the OLE/SE website <http://www.nmfs.noaa.gov/ole/Southeast/SED/VesselMonitoringSystem.htm> Telephone requests can be made by calling 727-570-5344.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

NMFS issued a final rule on January 16, 2003 (68 FR 2188) to implement Amendment 5 to the Fishery Management Plan for the Shrimp Fishery off the Southern Atlantic States (Amendment 5) which was prepared by the South Atlantic Fishery Management Council (Council). That final rule established a limited access program for the rock shrimp fishery in the exclusive economic zone off Georgia and the east coast of Florida. The final rule requires an owner or operator of a vessel that has been issued a limited access endorsement for South Atlantic rock shrimp to ensure that such vessel has a NMFS-approved, operating VMS on board when on a trip in the South Atlantic. An operating VMS includes an operating mobile transmitting unit on the vessel and a functioning communication link between the unit and NMFS as provided by a NMFS-approved communication service provider. The VMS requirement is effective as of October 14, 2003, or 90

days after publication in the **Federal Register** of this notice listing the approved transmitting units and associated communications service providers, whichever is later. However, vessel owners and operators should not delay their purchase and installation of a mobile transceiver unit until the last day. Vendors may require extended periods of time to deliver a mobile transceiver unit and to complete its installation.

This notice provides a list of the currently approved VMS (mobile transceiver units and communication service providers) for the South Atlantic rock shrimp limited access fishery and sets forth the features of each VMS. The list of VMS approved by NOAA will be updated and revised as others are approved. The list will be published in the **Federal Register** and will be posted on the NMFS OLE website and will contain revisions when required.

##### *Partial Reimbursement for Initial VMS Acquisition/Installation*

Amendment 5 expressed the Council's intent that costs for an initial VMS acquisition and installation should not exceed \$1200, for a vessel owner who receives an initial rock shrimp limited access endorsement. In keeping with that intent, through December 31, 2004, NMFS will partially reimburse such a vessel owner up to \$775 for initial acquisition and installation of an approved VMS. The maximum \$775 reimbursement is based on the estimated cost of acquisition and installation of the least expensive approved VMS unit (\$1975) minus \$1200. If actual costs are less than \$1975, the reimbursement would be reduced accordingly; in some cases involving special circumstances pertaining to installation of the device, a somewhat larger reimbursement amount may be considered. An owner would be initially responsible for the entire cost. To receive the reimbursement, an owner must provide valid signed receipts for purchase and installation of an approved VMS to NMFS Southeast Regional Office, and confirm with NOAA Enforcement Southeast that the VMS is functioning. NMFS anticipates that most qualified vessel owners will acquire VMS as soon as possible; some may defer temporarily for a variety of reasons. No requests for reimbursement will be accepted after December 19, 2004, and no reimbursements will be granted after December 31, 2004. NMFS will provide additional details regarding the reimbursement procedures to qualified vessel owners.

## **II. Approved VMS Mobile Transceiver Units**

### *INMARSAT-C Transceivers*

The Inmarsat-C satellite communications VMS transmitting units that meet the minimum technical requirements for the South Atlantic Rock Shrimp Fishery are the Thrane & Thrane Fishery "Capsat" (part number TT-3022D-NMFS) and the Thrane & Thrane Fishery "Mini-C" (part number TT-3026-NMFS). The address for the Thrane & Thrane distributor (LandSea Systems) dealer contact is provided under the heading VMS Provider Addresses.

#### **A. Thrane & Thrane TT-3022D-NMFS**

The transceiver consists of an integrated GPS/Inmarsat-C unit in the wheelhouse and an antenna mounted atop the vessel. The unit is factory pre-configured for NMFS VMS operations (non-Global Maritime Distress & Safety System (non-GMDSS)). Satellite commissioning services are provided by LandSea Systems personnel.

Automatic GPS position reporting starts after transceiver installation and power activation onboard the vessel. The unit is a car-radio-sized transceiver using a floating 10 to 32 VDC power supply. The unit is configured for automatic reduced position transmissions when the vessel is stationary (i.e., in port). It allows for port stays without power drain or power shut down. The unit restarts normal position transmission automatically when the vessel goes to sea.

The outside antenna, model TT-3005M, is a compact omni-directional Inmarsat-C/GPS antenna, providing operation down to +/-15 deg. angles.

A configuration option is available to automatically send position reports to a private address, such as a fleet management company. Another available option is the ability to send and receive private e-mail and other messages with the purchase and installation of an input device such as a laptop, personal computer, or message display terminal.

#### **B. Thrane & Thrane TT-3026-NMFS**

The transceiver consists of an integrated GPS/Inmarsat-C unit mounted atop the vessel. The unit is factory pre-configured for NMFS VMS operations (non-Global Maritime Distress & Safety System (non-GMDSS)). Satellite commissioning services are provided by LandSea Systems personnel.

Automatic GPS position reporting starts after transceiver installation and power activation onboard the vessel.



The unit is an integrated transceiver/antenna/GPS design using a floating 10 to 32 VDC power supply. The unit is configured for automatic reduced position transmissions when the vessel is stationary (i.e., in port). It allows for port stays without power drain or power shut down. The unit restarts normal position transmission automatically when the vessel goes to sea.

The TT-3026-NMFS provides operation down to +/-15 degree angles. Although the unit has the capability of two-way communication to send and receive private e-mail and other messages; it can only use this capability when additional equipment not required by NMFS is purchased (i.e., a laptop, personal computer, or message display terminal). A configuration option is available to automatically send position reports to a private address, such as a fleet management company.

#### *General Procedure for Acquiring and Installing Approved VMS*

A vessel owner wishing to purchase either of the approved systems may contact the entity identified under the heading VMS Provider Addresses for Thrane & Thrane TT-3022D-NMFS and TT-3026-NMFS. The owner should identify himself or herself as a vessel owner in the "U.S. South Atlantic Rock Shrimp Fishery." The Thrane & Thrane transceiver set the vessel owner purchases will be configured for the Rock Shrimp Fishery.

To use the TT-3022-NMFS or the TT-3026-NMFS, the vessel owner will need to establish an Inmarsat-C system use contract with an approved Inmarsat-C communications service provider. The owner will be required to complete the Inmarsat-C "Registration for Service Activation for Maritime Mobile Earth Station." The owner should consult with LandSea Systems when completing this form.

LandSea Systems personnel will perform the following before shipment: (a) Configure the transceiver according to NOAA Fisheries Office for Law Enforcement specifications for the South Atlantic Rock Shrimp Fishery; (b) download the predetermined NMFS position reporting and broadcast command identification numbers into the unit; (c) test the unit to ensure operation when installation has been completed on the vessel; and (d) forward the Inmarsat service provider and the transceiver identifying information to the NOAA Fisheries Office for Law Enforcement.

### **III. Approved Communications Service Providers**

NOAA Fisheries Office for Law Enforcement has approved the below-listed Telenor and Xantic satellite communications services for the South Atlantic Rock Shrimp Fishery.

#### *A. Telenor Satellite Services/Inmarsat-C*

Inmarsat-C is a store-and-forward data messaging service. Inmarsat-C allows users to send and receive information virtually anywhere in the world, on land, at sea, and in the air. Inmarsat-C supports a wide variety of applications including Internet e-mail\*, position and weather\*\* reporting, a free daily news service\*, and remote equipment monitoring and control. Mariners can use Inmarsat-C free of charge to send critical safety at sea messages as part of the U.S. Coast Guard's Automated Mutual-Assistance Vessel Rescue system and of the NOAA Shipboard Environmental Acquisition System programs\*\*. (Features marked with \* require use of attached laptop; features marked with \*\* can be accessed using the TT3022D.)

For the Telenor address, look under the heading VMS Provider Addresses.

Inmarsat-C features: Vessel owners wishing to use Inmarsat-C will need to purchase an Inmarsat-C transceiver approved for the fishery. The owner will need to complete an Inmarsat-C system use contract with Telenor, including a provision for a mobile earth station license (FCC requirement). The transceiver will need to be commissioned with Inmarsat according to Telenor instructions. The owner should refer to and follow the configuration, installation, and service activation procedures for the specific transceiver purchased.

#### *B. Xantic*

Xantic is a global leader in providing Vessel Monitoring Services to the fishing industry. By installing on the vessel an Inmarsat-C transceiver approved by NOAA Fisheries Office for Law Enforcement, fishermen can send and receive E-mail\*, to and from land; the transceiver automatically sends vessel position reports to the NOAA Fisheries Office for Law Enforcement, and is fully compliant with the International Coast Guard Search and Rescue Centers\*\*. (Features marked with \* require use of attached laptop, features marked with \*\* can be accessed from the TT3022D.)

XANTIC Vessel Monitoring System Services are being sold through its Service Provider, LandSea Systems, Inc. For the LandSea and XANTIC

addresses, look under the heading VMS Provider Addresses.

XANTIC Features offered through LandSea Systems: Customer Service supports the security and privacy of vessel accounts and messages with the following: (a) Password authentication for vessel owners or agents and for the NOAA Fisheries Office for Law Enforcement to prevent unauthorized changes or inquiries; and (b) separation of private messages from NOAA Fisheries Office for Law Enforcement messages. (The Office for Law Enforcement receives VMS-related position reports, only.)

Billing is separated between accounts for the vessel owner and the NOAA Fisheries Office for Law Enforcement. VMS position reports and vessel-initiated messaging are paid for by the vessel owner. Messaging initiated from the Office for Law Enforcement operations center is paid for by NOAA.

LandSea Systems provides customer service for XANTIC users to support and establish two-way transmission of transceiver unit configuration commands between the transceiver and land-based control centers. This supports the Office for Law Enforcement's message needs and, optionally, fishermen's private message needs.

The vessel owner can configure automatic position reports to be sent to a private address, such as to a fleet management company. The vessel can send and receive private e-mail and other messages when the transceiver has such an input device as a laptop or personal computer attached.

Vessel owners wishing to use XANTIC services will need to purchase an Inmarsat-C transceiver approved for the fishery. The owner will need to complete an Inmarsat-C system use contract with XANTIC, including a mobile earth station license (FCC requirement). The transceiver will need to be commissioned with Inmarsat according to XANTIC's instructions. The owner should refer to and follow the configuration, installation, and service activation procedures for the specific transceiver purchased.

#### *General Procedures Regarding Communication Service Providers*

It is recommended that the vessel owner keep for his or her records and that Telenor and Xantic have on record the following identifying information: (a) Signed and dated receipts and contracts; (b) transceiver serial number; (c) Telenor or Xantic customer number, user name and password; (d) e-mail address of transceiver; (e) Inmarsat identification number; (f) owner name;

(g) vessel name; (h) vessel documentation or registration number; and (i) mobile earth station license (FCC license).

Pursuant to 50 CFR 622.9(b), the Agency will provide an installation and activation checklist which the vessel owner must follow. The vessel owner must sign a statement on the checklist certifying compliance with the installation procedures and return the checklist to NOAA Enforcement Southeast. Installation can be performed by experienced crew or by an electronics specialist.

The owner should confirm the TT-3022-NMFS or TT-3026-NMFS operation and communications service to ensure that position reports are automatically sent to and received by NOAA Enforcement Southeast, before leaving on a fishing trip under VMS. NOAA Enforcement Southeast does not regard the fishing vessel as meeting the requirements of 50 CFR 622.9 until position reports are automatically received. For confirmation purposes, contact NOAA Enforcement Southeast in St. Petersburg, FL, at 727-570-5344.

#### IV. VMS Provider Addresses

For Thrane & Thrane TT-3022-NMFS or TT-3026-NMFS information, contact Ken Ravenna, Marine Products, LandSea Systems, Inc., 509 Viking Drive, Suite K, L & M, Virginia Beach, VA 23452; voice: 757-463-9557; fax: 757-463-9581, e-mail:

KCR@LandSeaSystems.com.; website: <http://www.landseasystems.com>.

For Telenor information, contact Telenor Satellite Services, 6560 Rock Spring Drive, Bethesda, MD 20817; Telenor Customer Care, phone: 800-685-7898 or 301-838-7700; e-mail: [customercare@telenor-usa.com](mailto:customercare@telenor-usa.com);

website: [www.telenor-usa.com](http://www.telenor-usa.com).

Alternate Contact: Courtney Coleman, Manager COMSAT-C Services Marketing, 6560 Rock Spring Dr., Bethesda, MD 20817; phone: 301-214-3293; e-mail:

[courtney.coleman@telenor-usa.com](mailto:courtney.coleman@telenor-usa.com).

For XANTIC information, contact LandSea Systems Inc., Donna Sherman, 509 Viking Drive, Suite K, L, M, Virginia Beach, VA 23452; voice: 757 463-9557; fax: 757 463-9581 e-mail:

[airtime@landseasystems.com](mailto:airtime@landseasystems.com). Alternate contacts: XANTIC, Folef Hooft Graafland, 6100 Hollywood Boulevard, Suite 410, Hollywood, FL 33024; voice: 954-962-9908 Ext. 11; fax: 954-962-1164; Cellular: 954-214-2609; e-mail: [folef.hooftgraafland@XANTIC.net](mailto:folef.hooftgraafland@XANTIC.net);

Andre Cortese, 1211 Connecticut Ave., NW, Suite 504, Washington, DC 20036; telephone number: 202-785-5615; e-mail: [andre.cortese@XANTIC.net](mailto:andre.cortese@XANTIC.net);

Bobbie Thach, 1211 Connecticut Ave, NW, Suite 504, Washington, DC 20036; voice: 202-785-5614; fax: 202-785-5616; e-mail:

[bobbie.thach@XANTIC.net](mailto:bobbie.thach@XANTIC.net). Customer Service, contact LandSea Systems, Inc., 509 Viking Drive, Suite K, L & M, Virginia Beach, VA 23452; voice: 757-463-9557; fax: 757-463-9581, e-mail: [KCR@LandSeaSystems.com](mailto:KCR@LandSeaSystems.com).; or XANTIC Netherlands, toll free: 1-888-440-8988; website: [www.XANTIC.net](http://www.XANTIC.net).

#### V. Additional Information

The NOAA Fisheries Office for Law Enforcement is constantly evaluating new and emerging technologies for inclusion in the VMS program. Additional units may be approved for use the South Atlantic Rock Shrimp Fishery at a later date.

**Authority:** 16 U.S.C. 1801, *et seq.*

Dated: July 9, 2003.

**Bruce C. Morehead,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 03-17757 Filed 7-11-03; 8:45 am]

**BILLING CODE 3510-22-S**

#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

[I.D. 070803D]

##### Gulf of Mexico Fishery Management Council; Public Meeting

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of public meeting.

**SUMMARY:** The Gulf of Mexico Fishery Management Council (Gulf Council) and South Atlantic Fishery Management Council (South Atlantic Council) in cooperation with the Florida Marine Research Institute (FMRI) of the Florida Fish and Wildlife Conservation Commission (FFWCC) and the Southeast Fisheries Science Center of the National Marine Fisheries Service (NOAA Fisheries) will convene an Assessment Review Workshop as part of the 2003 Southeast Data Assessment and Review (SEDAR) process. The Gulf Council's Standing Scientific and Statistical Committee (SSC) will also be convened as a component of the Assessment Review Workshop.

**DATES:** The workshop will be held beginning at 1:30 p.m. on Monday July 28, 2003 through noon on Thursday, July 31, 2003.

**ADDRESSES:** The meeting will be held at the Hilton Tampa Airport Westshore, 2225 Lois Avenue, Tampa, FL; telephone: 813-877-6688.

**Council address:** Gulf of Mexico Fishery Management Council, 3018 U.S. Highway 301 North, Suite 1000, Tampa, FL 33619.

**FOR FURTHER INFORMATION CONTACT:** Mr. Phil Steele, NMFS Southeast Regional Office, 9721 North Executive Center Drive, St. Petersburg, FL 33702; telephone: 727-570-5305.

**SUPPLEMENTARY INFORMATION:** The purpose of the Assessment Review Workshop will be to evaluate the results of a SEDAR Yellowtail Snapper Stock Assessment Workshop that was held June 9-13, 2003. Yellowtail snapper off the U.S. mainland straddle the jurisdictional boundaries of the Gulf Council, South Atlantic Council and FFWCC, and are considered to be a single stock. Yellowtail snapper in the Caribbean appear to be a different population, based on preliminary genetic analyses, and are not included in this assessment.

The Assessment Review Workshop is the third of three meetings held as part of the SEDAR process. A Data Review Workshop was held March 3-7, 2003, to review available data on yellowtail snapper. A Stock Assessment Workshop was held June 9-13, 2003, to analyze the data and prepare a preliminary stock assessment for review by the Assessment Review Workshop.

The Assessment Review Workshop will consist of representatives of the Gulf Council's and South Atlantic Council's SSCs, staff from the Gulf Council, South Atlantic Council, FFWCC and NMFS, representatives of recreational and commercial fishing communities, representatives of environmental organizations, outside stock assessment biologists who were not involved in the Stock Assessment Workshop, and scientists from the University of Miami's Center of Independent Experts.

The preliminary yellowtail snapper stock assessment will be available from the Gulf Council's website (<http://www.gulfcouncil.org>) prior to the meeting, and a final stock assessment will be prepared following the meeting. The Assessment Review Workshop reports and recommendations will be presented to the Gulf Council, South Atlantic Council and FFWCC, which may set year a 2004 total allowable catch (TAC) as well as other management measures for the yellowtail snapper stock within the respective jurisdictions of each management agency.

A copy of the agenda for the SSC portion of the meeting can be obtained by calling 813-228-2815.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

#### Special Accommodations

The meeting is open to the public and is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office by July 11, 2003.

Dated: July 8, 2003.

**Richard W. Surdi,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. 03-17752 Filed 7-11-03; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 070803E]

#### Mid-Atlantic Fishery Management Council; Public Meeting

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of public meeting.

**SUMMARY:** The Trawl Survey Advisory Committee, composed of representatives from the Northeast Fisheries Science Center (NEFSC), the Mid-Atlantic Fishery Management Council (MAFMC), the New England Fishery Management Council (NEFMC), and several independent scientific researchers, will hold a public meeting.

**DATES:** The meeting will be held on Tuesday, July 29, 2003, from 10 a.m. to 6 p.m., and Wednesday, July 30, 2003, from 8 a.m. to 5 p.m.

**ADDRESSES:** This meeting will be held at the NEFSC Aquarium in Woods Hole, MA; telephone: 508-495-2000.

*Council address:* Mid-Atlantic Fishery Management Council, 300 S. New Street, Room 2115, Dover, DE 19904.

#### FOR FURTHER INFORMATION CONTACT:

Daniel T. Furlong, Executive Director, Mid-Atlantic Fishery Management Council; telephone: 302-674-2331, ext. 19.

**SUPPLEMENTARY INFORMATION:** The purpose of this meeting is to finalize the prioritization of goals and objectives in order to provide important advice and feedback to the NEFSC on its trawl surveys.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

#### Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Joanna Davis at the Mid-Atlantic Council Office (see **ADDRESSES**) at least 5 days prior to the meeting date.

Dated: July 8, 2003.

**Richard W. Surdi,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. 03-17753 Filed 7-11-03; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 070803F]

#### New England Fishery Management Council; Public Meetings

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of public meetings.

**SUMMARY:** The New England Fishery Management Council (Council) is scheduling a public meeting of its Herring Oversight Committee and Advisory Panel for July and August, 2003 to consider actions affecting New England fisheries in the exclusive economic zone (EEZ).

Recommendations from these groups will be brought to the full Council for formal consideration and action, if appropriate.

**DATES:** The meetings will be held on July 31 and August 1, 2003. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

**ADDRESSES:** The meetings will be held at the Holiday Inn by the Bay, 88 Spring Street, Portland, ME 04101; telephone: (207) 775-2311.

*Council address:* New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

**FOR FURTHER INFORMATION CONTACT:** Paul J. Howard, Executive Director, New England Fishery Management Council; telephone: (978) 465-0492.

#### SUPPLEMENTARY INFORMATION:

##### Meeting Dates and Agendas

*Thursday, July 31, 2003 at 9:30 a.m.*  
- Joint Herring Oversight Committee, Advisory Panel and Plan Development Team (PDT) Meeting.

The panels will review the report from the Herring PDT meeting held June 26-27, 2003. They will discuss the recommendations from the Scientific and Statistical Committee meeting held June 19, 2003. They will also discuss the PDT recommendations for maximum sustainable yield, optimum yield, Area total allowable catches, and other fishery specifications. They will discuss options for adjustments to the boundaries of the herring management areas. Also on the agenda will be review and discussion of fishery data relevant to developing management alternatives for consideration in Amendment 1 to the Herring Fishery Management Plan (FMP) as well as continued development of alternatives for consideration in Amendment 1.

*Friday, August 1, 2003 at 9 a.m.* - Herring Oversight Committee Meeting.

The committee will continue development of alternatives for consideration in Amendment 1 to the Herring FMP.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

#### Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard

(see **ADDRESSES**) at least 5 days prior to the meeting dates.

Dated: July 9, 2003.

**Richard W. Surdi,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 03-17754 Filed 7-11-03; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 070803C]

#### North Pacific Fishery Management Council; Public Meeting

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of public meetings.

**SUMMARY:** The North Pacific Fishery Management Council (Council) Joint Protocol Committee of the Alaska Board of Fisheries and Council will meet on July 28-29, 2003 in Anchorage.

**DATES:** The meetings will be held on July 28, 2003 from 8:30 a.m. until 5 p.m., and July 29 from 8:30 a.m. until 12 noon.

**ADDRESSES:** The meeting will be held at the Hilton Hotel, 500 W. 3rd Avenue, Anchorage, AK.

*Council address:* North Pacific Fishery Management Council, 605 W. 4th Ave., Suite 306, Anchorage, AK 99501-2252.

**FOR FURTHER INFORMATION CONTACT:** Council staff, telephone: 907-271-2809.

**SUPPLEMENTARY INFORMATION:** Agenda: (1) Board's role in reviewing petitions for halibut customary and traditional findings from additional tribes and communities, (2) Groundfish "Bycatch" in the halibut subsistence fisheries and conflicting state and federal subsistence gear regulations, (3) Management of State water and parallel fisheries under proposed Gulf of Alaska groundfish rationalization, (4) Observer coverage in State groundfish fisheries.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

## Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Gail Bendixen at 907-271-2809 at least 7 working days prior to the meeting date.

Dated: July 8, 2003.

**Richard W. Surdi,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 03-17751 Filed 7-11-03; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

#### Submission for OMB Review; Comment Request

The United States Patent and Trademark Office (USPTO) has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

**AGENCY:** United States Patent and Trademark Office (USPTO).

*Title:* Admittance to Practice and Roster of Registered Patent Attorneys and Agents Admitted to Practice Before the United States Patent and Trademark Office (USPTO).

*Form Number(s):* PTO-158, PTO-158A, PTO-275, PTO-107A, PTO-1209.

*Agency Approval Number:* 0651-0012.

*Type of Request:* Revision of a currently approved collection.

*Burden:* 6,078 hours annually.

*Number of Respondents:* 24,042 responses per year.

*Avg. Hours Per Response:* The USPTO estimates that it will take the public approximately 30 minutes (0.5 hours) to complete either an application or registration to practice before the USPTO, or an application for a foreign resident to practice before the USPTO. It is estimated to take 20 minutes (0.33 hours) to complete undertakings under 37 CFR 10.10(b); 10 minutes (0.17 hours) to complete data sheets; 5 minutes (0.08 hours) to complete the oath or affirmation; 45 minutes (0.75 hours) to complete the petition for waiver of regulations; and 90 minutes (1.5 hours) to complete the written request for reconsideration of disapproval notice of application and the petition for reinstatement to practice. These times include time to gather the necessary information, prepare, and submit the forms and requirements in this collection.

*Needs and Uses:* This information is required by 35 U.S.C. 2(b)(2)(D), administered by the USPTO through 37 CFR 10.5-10.11 and 10.170. The information is used by the Director of the Office of Enrollment and Discipline (OED) to determine if the applicant for registration is of good moral character and repute; has the necessary legal, scientific, and technical qualifications; and is otherwise competent to advise and assist applicants in the presentation and prosecution of applications for patent grants.

*Affected Public:* Individuals or households; business or other for-profit; the Federal Government; and State, Local or Tribal Governments.

*Frequency:* On occasion.

*Respondent's Obligation:* Required to obtain or retain benefits.

*OMB Desk Officer:* David Rostker, (202) 395-3897.

Copies of the above information collection proposal can be obtained by calling or writing Susan K. Brown, Records Officer, Office of the Chief Information Officer, Office of Data Architecture and Services, (703) 308-7400, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, Virginia 22313, Attn: CPK 3 Suite 310, or by e-mail at [susan.brown@uspto.gov](mailto:susan.brown@uspto.gov).

Written comments and recommendations for the proposed information collection should be sent on or before August 13, 2003 to David Rostker, OMB Desk Officer, Room 10202, New Executive Office Building, Washington, DC 20503.

Dated: July 8, 2003.

**Susan K. Brown,**

*Records Officer, USPTO, Office of Data Architecture and Services, Data Administration Division.*

[FR Doc. 03-17701 Filed 7-11-03; 8:45 am]

**BILLING CODE 3510-16-P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

#### Reinstatement of an Expired Collection; Comment Request

**AGENCY:** Office of the Assistant Secretary of Defense for Health Affairs, DoD.

**ACTION:** Notice.

In accordance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Assistant Secretary of Defense (Health Affairs) announces the proposed reinstatement of a public information

collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposal extension of collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

**DATES:** Consideration will be given to all comments received September 12, 2003.

**ADDRESSES:** Written comments and recommendations on the information collection should be sent to Office of the Assistant Secretary of Defense (Health Affairs) TRICARE Management Activity (Operations Directorate), Skyline Five, Suite 810, 5111 Leesburg Pike, Falls Church, Virginia 22041-3206.

**FOR FURTHER INFORMATION CONTACT:** To request more information on this proposed information collection, please write to the above address or call Lt. Col. James Whitton, Office of the Assistant Secretary of Defense (Health Affairs), TRICARE Management Activity at (703) 681-0039.

*Title; Associated Form; and OMB Number:* TRICARE Prime Enrollment Application/PCM Change Form and TRICARE Prime Disenrollment Application, OMB No. 0720-0008.

*Needs and Uses:* These collection instruments serve as applications for the enrollment, disenrollment and Primary Care Manager (PCM) Change for the Department of Defense's TRICARE Prime program established in accordance with Title 10 U.S.C. Section 1099 (which calls for a healthcare enrollment system). Monthly payment options for retiree enrollment fees for TRICARE Prime are established in accordance with Title 10 U.S.C. Section 1097a(c). The information collected on the TRICARE Prime Enrollment Application/PCM Change Form provides the necessary data to determine beneficiary eligibility, to identify the selection of a health care option, and to change the designated PCM when the beneficiary is relocating or merely requests a local PCM change, in accordance with the National Defense Authorization Act for Fiscal Year 2001 (Pub. L. 106-398), Section 723(b)(E). The TRICARE Prime Disenrollment Application serves to disenroll an enrollee from TRICARE Prime on a voluntary basis.

*Affected Public:* Individuals or household.

*Annual Burden Hours:* 41,260.

*Number of Respondents:* 253,200.

*Responses per Respondent:* 1.

*Average Burden per Response:*

TRICARE Prime Enrollment

Application/PCM Change Form: 20

minutes or .33% of an hour; TRICARE

Disenrollment Application: 5 minutes or .083% of an hour.

*Frequency:* On occasion.

#### **SUPPLEMENTARY INFORMATION:**

##### **Summary of Information Collection**

The Department established TRICARE Prime as an enrollment option to give CHAMPUS-eligible beneficiaries a DoD-sponsored military managed care program. In order to simplify the collection of information on enrollment applications for TRICARE Prime, the existing information collection is being modified to create two separate forms: Initial enrollment/PCM changes and disenrollment. The utilization of these two forms will decrease the total amount of time to complete forms by respondents and will streamline the enrollment/PCM change and disenrollment process. In order to implement this program, it is necessary that certain beneficiaries electing to enroll, change PCM or disenroll complete an enrollment application/PCM change form or disenrollment. Completion of these forms is an essential element of the TRICARE program.

Dated: July 8, 2003.

**Patricia L. Toppings,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 03-17720 Filed 7-11-03; 8:45 am]

**BILLING CODE 5001-08-M**

## **DEPARTMENT OF DEFENSE**

### **Office of the Secretary**

#### **Proposed Collection; Comment Request**

**AGENCY:** Office of the Under Secretary of Defense (Personnel and Readiness), DoD.

**ACTION:** Notice.

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Under Secretary of Defense (Personnel Readiness) announces the following proposed reinstatement of a public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information

is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

**DATES:** Consideration will be given to all comments received by September 12, 2003.

**ADDRESSES:** Written comments and recommendations on the proposed information collection should be sent to the Office of the Under Secretary of Defense (Personnel and Readiness) (Military Personnel Policy)/Accession Policy, ATTN: Major Brenda Leong, 4000 Defense Pentagon, Washington, DC 20301-4000.

**FOR FURTHER INFORMATION CONTACT:** To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the above address or call at (703) 695-5529.

*Title Associated Form, and OMB Control Number:* Police Record Check, DD Form 369, OMB Control Number: 0704-0007.

*Needs and Uses:* This information collection requirement is necessary to obtain information about arrests and criminal records on applicants to the Armed Forces of the United States. The DD Form 369, Police Record Check, is used to identify any disqualifying history regarding arrests or convictions.

*Affected Public:* State, local or Tribal Government.

*Annual Burden Hours:* 56,250.

*Number of Respondents:* 125,000.

*Responses per Respondent:* 1.

*Average Burden per Response:* 27 minutes.

*Frequency:* On occasion.

#### **SUPPLEMENTARY INFORMATION:**

##### **Summary of Information Collection**

This information is collected to provide the Armed Services with background information on an applicant. History of criminal activity, arrests, or confinement is disqualifying for military service. The respondents will be local and state law enforcement agencies. The DD Form 369, Police Record Check, is the method of information collection; responses are to reference any records on the applicant. The information will be used to

determine suitability of the applicant for the military service.

Dated: July 8, 2003.

**Patricia L. Toppings,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 03-17721 Filed 7-11-03; 8:45 am]

BILLING CODE 5001-08-M

## DEPARTMENT OF DEFENSE

### GENERAL SERVICES ADMINISTRATION

### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000-0114]

#### **Federal Acquisition Regulation; Information Collection; Right of First Refusal of Employment; (FAR 52.207-3)**

**AGENCIES:** Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of request for public comments regarding an extension to an existing OMB clearance (9000-0114).

**SUMMARY:** Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning right of first refusal of employment. This OMB clearance currently expires on September 30, 2003.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

**DATES:** Submit comments on or before September 12, 2003.

**ADDRESSES:** Submit comments including suggestions for reducing this burden to the General Services Administration, FAR Secretariat (MVA), Room 4035

1800 F Street, NW., Washington, DC 20405.

**FOR FURTHER INFORMATION CONTACT:** Julia Wise, Acquisition Policy Division, GSA (202) 208-1168.

#### **SUPPLEMENTARY INFORMATION:**

##### **A. Purpose**

Right of First Refusal of Employment is a regulation which establishes policy regarding adversely affected or separated Government employees resulting from the conversion from in-house performance to performance by contract. The policy will enable these employees to have an opportunity to work for the contractor who is awarded the contract.

The information gathered will be used by the Government to gain knowledge of which employees, adversely affected or separated as a result of the contract award, have gained employment with the contractor within 90 days after contract performance begins.

##### **B. Annual Reporting Burden**

*Number of Respondents:* 130.

*Responses Per Respondent:* 1.

*Total Responses:* 130.

*Average Burden Hours Per Response:*

3.

*Total Burden Hours:* 390.

##### *Obtaining Copies of Proposals*

Requesters may obtain a copy of the information collection documents from the General Services Administration, FAR Secretariat (MVA), Room 4035, 1800 F Street, NW., Washington, DC 20405, telephone (202) 501-4755. Please cite OMB Control No. 9000-0114, Right of First Refusal of Employment, in all correspondence.

Dated: July 8, 2003.

**Ralph J. DeStefano,**

*Acting Director, Acquisition Policy Division.*

[FR Doc. 03-17670 Filed 7-11-03; 8:45 am]

BILLING CODE 6820-EP-P

## DEPARTMENT OF EDUCATION

### **Submission for OMB Review; Comment Request**

**AGENCY:** Department of Education.

**SUMMARY:** The Leader, Regulatory Information Management Group, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

**DATES:** Interested persons are invited to submit comments on or before August 13, 2003.

**ADDRESSES:** Written comments should be addressed to the Office of

Information and Regulatory Affairs, Attention: Karen Lee, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503 or should be electronically mailed to the internet address [Karen\\_F.Lee@omb.eop.gov](mailto:Karen_F.Lee@omb.eop.gov).

**SUPPLEMENTARY INFORMATION:** Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: July 9, 2003.

**Angela C. Arrington,**

*Leader, Regulatory Information Management Group, Office of the Chief Information Officer.*

### **Office of Special Education and Rehabilitative Services**

*Type of Review:* Extension.

*Title:* Case Service Report.

*Frequency:* Annually.

*Affected Public:* State, local or Tribal Gov't, SEAs or LEAs.

*Reporting and Recordkeeping Hour Burden:*

Responses: 80.

Burden Hours: 3,600.

*Abstract:* As required by Section 13, 101(a)(10), 106 and 626 of the Rehabilitation Act, as amended, the data are submitted annually by State VR agencies. The data contain personal and program-related characteristics, including economic outcomes of persons with disabilities whose case records are closed.

Requests for copies of the submission for OMB review; comment request may be accessed from <http://edicsweb.ed.gov>, by selecting the "Browse Pending Collections" link and by clicking on link number 2243. When you access the information collection, click on "Download Attachments" to view. Written requests for information should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW., Room 4050, Regional Office Building 3, Washington, DC 20202-4651 or to the e-mail address [vivan.reese@ed.gov](mailto:vivan.reese@ed.gov). Requests may also be electronically mailed to the internet address [OCIO\\_RIMG@ed.gov](mailto:OCIO_RIMG@ed.gov) or faxed to 202-708-9346. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Sheila Carey at her e-mail address [Sheila.Carey@ed.gov](mailto:Sheila.Carey@ed.gov). Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

[FR Doc. 03-17732 Filed 7-11-03; 8:45 am]

BILLING CODE 4000-01-P

## DEPARTMENT OF EDUCATION

### Notice of Proposed Information Collection Requests

**AGENCY:** Department of Education.

**SUMMARY:** The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

**DATES:** Interested persons are invited to submit comments on or before September 12, 2003.

**SUPPLEMENTARY INFORMATION:** Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection

requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: July 9, 2003.

**Angela C. Arrington,**

*Leader, Regulatory Information Management Group, Office of the Chief Information Officer.*

### Office of Intergovernmental and Interagency Affairs

*Type of Review:* Revision.

*Title:* Presidential Scholars Program Application.

*Frequency:* Annually.

*Affected Public:* Individuals or households.

*Reporting and Recordkeeping Hour Burden:*

Responses: 2,600.

Burden Hours: 41,600.

*Abstract:* The United States Presidential Scholars Program is a national recognition program to honor outstanding graduating high school seniors. Candidates are invited to apply based on academic achievements on the Scholastic Assessment Test (SAT) or American College Testing (ACT) assessments, or on artistic merits based on participation in a national arts talent search. This program was established by Presidential Executive Orders 11155 and 12158.

Requests for copies of the proposed information collection request may be accessed from <http://edicsweb.ed.gov>, by selecting the "Browse Pending Collections" link and by clicking on link number 2303. When you access the information collection, click on "Download Attachments" to view. Written requests for information should be addressed to Vivian Reese,

Department of Education, 400 Maryland Avenue, SW., Room 4050, Regional Office Building 3, Washington, DC 20202-4651 or to the e-mail address [vivian\\_reese@ed.gov](mailto:vivian_reese@ed.gov). Requests may also be electronically mailed to the Internet address [OCIO\\_RIMG@ed.gov](mailto:OCIO_RIMG@ed.gov) or faxed to 202-708-9346. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Sheila Carey at her e-mail address [Sheila.Carey@ed.gov](mailto:Sheila.Carey@ed.gov).

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

[FR Doc. 03-17733 Filed 7-11-03; 8:45 am]

BILLING CODE 4000-01-P

## DEPARTMENT OF ENERGY

### Environmental Management Site-Specific Advisory Board, Oak Ridge Reservation

**AGENCY:** Department of Energy.

**ACTION:** Notice of open meeting.

**SUMMARY:** This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Oak Ridge. The Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) requires that public notice of these meeting be announced in the **Federal Register**.

**DATES:** 7:30 a.m.-5 p.m. (Annual Retreat), Saturday, August 2, 2003.

**ADDRESSES:** DOE Information Center, 475 Oak Ridge Turnpike, Oak Ridge, TN.

**FOR FURTHER INFORMATION CONTACT:** Pat Halsey, Federal Coordinator, Department of Energy Oak Ridge Operations Office, PO Box 2001, EM-90, Oak Ridge, TN 37831. Phone (865) 576-4025; Fax (865) 576-5333 or e-mail: [halseypj@oro.doe.gov](mailto:halseypj@oro.doe.gov).

### SUPPLEMENTARY INFORMATION:

*Purpose of the Board:* The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

*Tentative Agenda:* The Board will use an independent facilitator to narrow focus on issues to include the Fiscal Year 2004 work plan. Members plan to use information provided at the July 9 meeting by the U.S. Department of Energy, U.S. Environmental Protection Agency and the Tennessee Department for Environment and Conservation. At



the close of the day, members will also select a new chair, vice-chair and secretary for the upcoming fiscal year.

**Public Participation:** The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Pat Halsey at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of five minutes to present their comments.

**Minutes:** Minutes of this meeting will be available for public review and copying at the Department of Energy's Information Center at 475 Oak Ridge Turnpike, Oak Ridge, TN between 8 a.m. and 5 p.m. Monday through Friday, or by writing to Pat Halsey, Department of Energy Oak Ridge Operations Office, P.O. Box 2001, EM-90, Oak Ridge, TN 37831, or by calling her at (865) 576-4025.

Issued at Washington, DC, on July 9, 2003.

**Rachel M. Samuel,**

*Deputy Advisory Committee Management Officer.*

[FR Doc. 03-17719 Filed 7-11-03; 8:45 am]

BILLING CODE 6450-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP99-301-081]

#### ANR Pipeline Company; Notice of Negotiated Rate Filing

July 8, 2003.

Take notice that on July 1, 2003, ANR Pipeline Company (ANR), tendered for filing and approval one (1) new negotiated rate service agreement and amendments to eight (8) existing negotiated rate service agreements between ANR and subsidiaries of We Energies, Wisconsin Electric Power Company and Wisconsin Gas Company.

ANR requests that the Commission accept and approve the new agreement and seven (7) of the amendments to be effective July 1, 2003, and one amendment to be effective November 1, 2003.

Any person desiring to be heard or to protest said filing should file a motion

to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with § 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with § 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the "FERRIS" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at [FEROnlineSupport@ferc.gov](mailto:FEROnlineSupport@ferc.gov) or toll-free at (866) 208-3676, or TTY, contact (202) 502-8659. The Commission strongly encourages electronic filings. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link.

*Comment Date:* July 14, 2003.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. 03-17690 Filed 7-11-03; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP96-200-109]

#### CenterPoint Energy Gas Transmission Company; Notice of Negotiated Rate

July 8, 2003.

Take notice that on July 2, 2003, CenterPoint Energy Gas Transmission Company (CEGT) tendered for filing as part of its FERC Gas Tariff, Sixth Revised Volume No. 1, the following tariff sheets to be effective July 1, 2003:

First Revised Sheet No. 846

First Revised Sheet No. 847

CEGT states that the purpose of this filing is to reflect the termination of an existing negotiated rate transaction.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance

with § 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the "FERRIS" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at [FEROnlineSupport@ferc.gov](mailto:FEROnlineSupport@ferc.gov) or toll-free at (866) 208-3676, or TTY, contact (202) 502-8659. The Commission strongly encourages electronic filings. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link.

*Comment Date:* July 14, 2003.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. 03-17689 Filed 7-11-03; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP03-534-000]

#### CMS Trunkline Gas Company, LLC and Trunkline Gas Company, LLC; Notice of Proposed Changes in FERC Gas Tariff

July 8, 2003.

Take notice that on July 1, 2003, CMS Trunkline Gas Company, LLC (Trunkline) filed as part of its FERC Gas Tariff, Third Revised Volume No. 1, the tariff sheets listed on Appendix A to the filing, to reflect a change in corporate name.

Trunkline states that the revised tariff sheets reflect a corporate name change from CMS Trunkline Gas Company, LLC to Trunkline Gas Company, LLC.

Trunkline states that copies of its transmittal letter and appendices have been mailed to all affected customers and interested state commissions. Trunkline states that copies of the revised tariff sheets will be provided upon request.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's



Rules and Regulations. All such motions or protests must be filed in accordance with § 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the "FERRIS" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll-free at (866) 208-3676, or TTY, contact (202) 502-8659. The Commission strongly encourages electronic filings. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link.

*Comment Date:* July 14, 2003.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. 03-17681 Filed 7-11-03; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP03-535-000]

#### CMS Trunkline LNG Company, LLC and Trunkline LNG Company, LLC; Notice of Proposed Changes in FERC Gas Tariff

July 8, 2003.

Take notice that on July 1, 2003, CMS Trunkline LNG Company, LLC (TLNG) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1-A, the tariff sheets listed on Appendix A to the filing, to reflect a change in corporate name.

TLNG states that the revised tariff sheets reflect a corporate name change from CMS Trunkline LNG Company, LLC to Trunkline LNG Company, LLC.

TLNG states that copies of its transmittal letter and appendices have been mailed to all affected customers and interested state commissions. TLNG states that copies of the revised tariff sheets will be provided upon request.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections

385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with § 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the "FERRIS" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll-free at (866) 208-3676, or TTY, contact (202) 502-8659. The Commission strongly encourages electronic filings. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link.

*Comment Date:* July 14, 2003.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. 03-17682 Filed 7-11-03; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP03-379-001]

#### Dominion Cove Point LNG, LP; Notice of Compliance Filing

July 8, 2003.

Take notice that on July 02, 2003, Dominion Cove Point LNG, LP. (Cove Point) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, Substitute First Revised Sheet No. 279, to be effective July 2, 2003.

Cove Point requests an effective date of July 2, 2003 for its proposed tariff sheets.

Cove Point states that the purpose of this filing is to comply with the Commission's order issued June 26, 2003 in Docket No. RP03-379-000 requiring that Cove Point refile a substitute tariff sheet correcting the references and incorporation of North American Energy Standards Board's Wholesale Gas Quadrant (WGQ) standards governing partial day recalls. Cove Point states that it has made the changes requested by the Commission and has further corrected the affected sheet to comply with the WGQ standards.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with § 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with § 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the "FERRIS" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll-free at (866) 208-3676, or TTY, contact (202) 502-8659. The Commission strongly encourages electronic filings. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link.

*Protest Date:* July 14, 2003.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. 03-17676 Filed 7-11-03; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 362]

#### Ford Motor Company; Notice of Authorization for Continued Project Operation

July 7, 2003.

On June 1, 2001, Ford Motor Company, licensee for the Ford Project No. 362, filed an application for a new or subsequent license pursuant to the Federal Power Act (FPA) and the Commission's regulations thereunder. Project No. 362 is located on the Mississippi River in Ramsey County, Minnesota.

The license for Project No. 362 was issued for a period ending June 6, 2003. Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year to year an annual license to the then licensee under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in Section 15 or any other applicable

section of the FPA. If the project's prior license waived the applicability of Section 15 of the FPA, then, based on Section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to Section 15 of the FPA, notice is hereby given that an annual license for Project No. 362 is issued to Ford Motor Company for a period effective June 7, 2003, through June 6, 2004, or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first. If issuance of a new license (or other disposition) does not take place on or before June 7, 2004, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under Section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

If the project is not subject to Section 15 of the FPA, notice is hereby given that Ford Motor Company is authorized to continue operation of the Ford Project No. 362 until such time as the Commission acts on its application for subsequent license.

**Magalie R. Salas,**  
*Secretary.*

[FR Doc. 03-17660 Filed 7-11-03; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP03-538-000]

#### MIGC, Inc.; Notice of Tariff Filing

July 8, 2003.

Take notice that on July 1, 2003 MIGC, Inc. (MIGC), tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, Seventh Revised Sheet No. 6; Second Revised Sheet No. 90D; and Second Revised Sheet No. 90E, with a proposed effective date of August 1, 2003.

MIGC states that the purpose of the filing is to revise and update the fuel retention and loss percentage factors (FL&U factors) set forth in its FERC Gas Tariff, First Revised Volume No. 1 in accordance with the requirements of Section 25 of said tariff. MIGC proposes to reduce from four FL&U categories to two.

MIGC states that copies of its filing are being mailed to its jurisdictional customers and interested State commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with § 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the "FERRIS" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll-free at (866) 208-3676, or TTY, contact (202) 502-8659. The Commission strongly encourages electronic filings. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link.

*Comment Date:* July 14, 2003.

**Magalie R. Salas,**  
*Secretary.*

[FR Doc. 03-17684 Filed 7-11-03; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP03-539-000]

#### MIGC, Inc.; Notice of Tariff Filing

July 8, 2003.

Take notice that on July 1, 2003, MIGC, Inc. (MIGC) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets, to become effective August 1, 2003.

Sixth Revised Sheet No. 50.

Fifth Revised Sheet No. 74.  
Fifth Revised Sheet No. 90A.

MIGC asserts that the purpose of this filing is to update MIGC's tariff to combine revisions which were previously approved in separate proceedings. MIGC states that the currently effective tariff sheets Fifth Revised Sheet No. 50, Fourth Revised Sheet No. 74 and Fourth Revised Sheet No. 90A were previously approved in Docket No. RP03-297. MIGC states that the revisions to these sheets proposed herein, were previously approved in Docket No. RP02-409. When the currently effective tariff sheets were filed in Docket No. RP03-297, the revisions proposed and subsequently approved in Docket No. RP02-409 were not included. Therefore, the instant filing is necessary to combine the approved revisions from Docket No. RP02-409 into the currently effective tariffs. The instant application does not represent any new changes to MIGC's tariffs.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with § 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the "FERRIS" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll-free at (866) 208-3676, or TTY, contact (202) 502-8659. The Commission strongly encourages electronic filings. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link.

*Comment Date:* July 14, 2003.

**Magalie R. Salas,**  
*Secretary.*

[FR Doc. 03-17685 Filed 7-11-03; 8:45 am]

BILLING CODE 6717-01-P

**DEPARTMENT OF ENERGY****Federal Energy Regulatory  
Commission****[Docket No. RP03-384-001]****North Baja Pipeline, LLC; Notice of  
Compliance Filing**

July 8, 2003.

Take notice that on July 1, 2003, North Baja Pipeline, LLC (NBP), tendered for filing to be part of its FERC Gas Tariff, Original Volume No. 1, Fourth Revised Sheet No. 201, with an effective date of July 1, 2003.

NBP states that this tariff sheet is being submitted in compliance with the Commission's June 27, 2003 Order in this docket.

NBP further states that a copy of this filing has been served on NBP's jurisdictional customers and interested state regulatory agencies.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with § 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with § 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the "FERRIS" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll-free at (866) 208-3676, or TTY, contact (202) 502-8659. The Commission strongly encourages electronic filings. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link.

*Protest Date:* July 14, 2003.

**Magalie R. Salas,***Secretary.*

[FR Doc. 03-17677 Filed 7-11-03; 8:45 am]

**BILLING CODE 6717-01-P****DEPARTMENT OF ENERGY****Federal Energy Regulatory  
Commission****[Docket No. RP03-533-000]****Northern Natural Gas Company; Notice  
of Proposed Changes in FERC Gas  
Tariff**

July 8, 2003.

Take notice that on July 1, 2003, Northern Natural Gas Company (Northern) tendered for filing to become part of its FERC Gas Tariff, Fifth Revised Volume No. 1, the following tariff sheets proposed to be effective on July 10, 2003:

Sixth Revised Sheet No. 146.

Third Revised Sheet No. 227.

1st Revised Sixth Revised Sheet No. 267.

Northern states that during the month of June 2003, Gas Daily has not published price discovery point information for Northern, MIDs 1-6 and Northern, Tx.-Okla-Kan (TOK) consistently on a daily basis. Therefore, Northern proposes to revise the above referenced tariff sheets to substitute the Gas Daily El Paso, Permian Basin and Panhandle, Tx.-Okla. pricing information where Northern, MIDs 1-6 and Northern, TOK pricing has been previously referenced.

Northern further states that copies of the filing have been mailed to each of its customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with § 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the "FERRIS" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll-free at (866) 208-3676, or TTY, contact (202) 502-8659. The Commission strongly encourages electronic filings.

See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link.

*Comment Date:* July 14, 2003.

**Magalie R. Salas,***Secretary.*

[FR Doc. 03-17680 Filed 7-11-03; 8:45 am]

**BILLING CODE 6717-01-P****DEPARTMENT OF ENERGY****Federal Energy Regulatory  
Commission****[Docket Nos. RP03-403-001]****PG&E Gas Transmission, Northwest  
Corporation; Notice of Compliance  
Filing**

July 8, 2003.

Take notice that on July 2, 2003, PG&E Gas Transmission, Northwest Corporation (GTN), tendered for filing to be part of its FERC Gas Tariff, Second Revised Volume No. 1-A., Fourth Revised Sheet No. 231, to be effective July 1, 2003.

GTN states that this tariff sheet is being submitted in compliance with the Commission's June 30, 2003 Order in this docket.

GTN further states that a copy of this filing has been served on GTN's jurisdictional customers and interested state regulatory agencies.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with § 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with § 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the "FERRIS" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll-free at (866) 208-3676, or TTY, contact (202) 502-8659. The Commission strongly encourages electronic filings. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link.

*Protest Date:* July 14, 2003.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. 03-17678 Filed 7-11-03; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RP99-513-028]**

#### Questar Pipeline Company; Notice of Negotiated Rates

July 8, 2003.

Take notice that on July 2, 2003, Questar Pipeline Company's (Questar) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, Twenty-Ninth Revised Sheet No. 7 and Fifth Revised Sheet No. 7A, to be effective July 1, 2003.

Questar states that the filing is being filed to reflect new negotiated-rate contracts with Williams Energy Marketing & Trading Company. Questar states that: (1) Its negotiated-rate contract provisions were authorized by Commission orders issued October 27, 1999, and December 14, 1999, in Docket Nos. RP99-513, *et al.*; (2) the Commission approved Questar's request to implement a negotiated-rate option for Rate Schedules T-1, NNT, T-2, PKS, FSS and ISS shippers; and (3) Questar submitted its negotiated-rate filing in accordance with the Commission's Policy Statement in Docket Nos. RM95-6-000 and RM96-7-000 issued January 31, 1996.

Questar further states that a copy of this filing has been served upon all parties to this proceeding, Questar's customers, the Public Service Commission of Utah and the Public Service Commission of Wyoming.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with § 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.gov>

using the "FERRIS" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll-free at (866) 208-3676, or TTY, contact (202) 502-8659. The Commission strongly encourages electronic filings. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link.

*Comment Date:* July 14, 2003.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. 03-17691 Filed 7-11-03; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RP03-532-000]**

#### Stingray Pipeline Company, L.L.C.; Notice of Tariff Filing

July 8, 2003.

Take notice that on June 30, 2003, Stingray Pipeline Company, L.L.C. (Stingray) tendered for filing as part of its FERC Gas Tariff—Third Revised Volume No. 1 the following tariff sheets, with a proposed effective date of August 1, 2003:

First Revised Sheet No. 3.  
First Revised Sheet No. 40.  
First Revised Sheet No. 50.  
Third Revised Sheet No. 300.  
First Revised Sheet No. 303.  
First Revised Sheet No. 306.  
Second Revised Sheet No. 309.  
First Revised Sheet No. 311.  
First Revised Sheet No. 312.

Stingray states that it is filing the revised tariff sheets primarily to reflect a change in name from "Stingray Pipeline Company" to "Stingray Pipeline Company, L.L.C." in compliance with Section 154.603 of the Federal Energy Regulatory Commission's Regulations. First Revised Sheet No. 312 also includes a minor change to allow prospective users of Stingray's electronic nomination and scheduling system to provide certain required information on their request form. Stingray states that a copy of this filing has been served upon its customers.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections

385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with § 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the "FERRIS" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll-free at (866) 208-3676, or TTY, contact (202) 502-8659. The Commission strongly encourages electronic filings. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link.

*Comment Date:* July 14, 2003.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. 03-17679 Filed 7-11-03; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RP03-542-000]**

#### Texas Eastern Transmission, LP; Notice of Proposed Changes in FERC Gas Tariff

July 8, 2003.

Take notice that on July 1, 2003, Texas Eastern Transmission, LP (Texas Eastern) tendered for filing as part of its FERC Gas Tariff, Seventh Revised Volume No. 1 and First Revised Volume No. 2, revised tariff sheets listed on Appendix A to the filing, to become effective August 1, 2003.

Texas Eastern states that these revised tariff sheets are filed pursuant to section 15.1 of the General Terms and Conditions of Texas Eastern's FERC Gas Tariff, Seventh Revised Volume No. 1, addressing the Electric Power Cost Adjustment. Texas Eastern states that section 15.1 provides that Texas Eastern shall file, to be effective each August 1, revised rates for each applicable zone and rate schedule based upon the projected annual electric power costs required for the operation of transmission compressor stations with electric motor prime movers. Texas

Eastern also states that, as required by Commission orders approving the TIME and Freehold projects on Texas Eastern's system, all costs of electric power compression required for the incremental services under the TIME

and Freehold projects are assigned to the incremental services.

Texas Eastern states that the revised tariff sheets hereto reflect an increase in Texas Eastern's EPC Adjustment, effective August 1, 2003, such that, for example, the primary firm capacity

reservation charges, usage rates and 100% load factor average costs for full Access Area Boundary service from the Access Area Zone ELA (East Louisiana) to the three market area zones are as follows:

Zone	Reservation	Usage	100% LF
Market 1 .....	\$0.019/dth	\$0.0015/dth	\$0.0021/dth
Market 2 .....	\$0.057/dth	\$0.0046/dth	\$0.0065/dth
Market 3 .....	\$0.085/dth	\$0.0067/dth	\$0.0095/dth

Texas Eastern states that copies of its filing have been mailed to all affected customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with § 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with § 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the "FERRIS" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll-free at (866) 208-3676, or TTY, contact (202) 502-8659. The Commission strongly encourages electronic filings. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link.

*Comment Date:* July 14, 2003.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. 03-17688 Filed 7-11-03; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP03-540-000]

#### Transcontinental Gas Pipe Line Corporation; Notice of Tariff Filing

July 8, 2003.

Take notice that on July 1, 2003, Transcontinental Gas Pipe Line Corporation (Transco), tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, Fifth Revised Sheet No. 360, to be effective June 1, 2003.

Transco states that the purpose of this filing is to modify the determination of the "Reference Spot Price Zone 6" as set forth in Section 37.1(a)(i) of the General Terms and Conditions of Transco's tariff. Specifically, Transco proposes to utilize the spot price reported by Natural Gas Week for Dominion South Point for any week in which there is no reported price for Dominion North Point.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with § 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the "FERRIS" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at

[FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll-free at (866) 208-3676, or TTY, contact (202) 502-8659. The Commission strongly encourages electronic filings. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link.

*Comment Date:* July 14, 2003.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. 03-17686 Filed 7-11-03; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket Nos. RP03-541-000 and RP03-541-000]

#### Transcontinental Gas Pipe Line Corporation; Notice of Proposed Changes in FERC Gas Tariff

July 8, 2003.

Take notice that on July 1, 2003, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the tariff sheets listed in Appendix A to the filing, with an effective date of August 1, 2003.

Transco states that the instant filing is submitted pursuant to section 39 of the General Terms and Conditions of Transco's FERC Gas Tariff which provides that Transco will file to adjust its Great Plains Volumetric Surcharge (GPS) 30 days prior to each GPS Annual Period beginning August 1. Transco states that the GPS Surcharge is designed to recover (1) the cost of gas purchased from Great Plains Gasification Associates (or its successor) which exceeds the Spot Index (as defined in section 39 of the General Terms) and (2) the related cost of transporting such gas.

Transco further states that the revised GPS Surcharge included therein consists of two components—the Current GPS Surcharge calculated for

the period August 1, 2003 through July 31, 2004 plus the Great Plains Deferred Account Surcharge (Deferred Surcharge). Transco states that the determination of the Deferred Surcharge is based on the balance in the current GPS subaccount plus accumulated interest at April 30, 2003.

Transco states that included in Appendix B attached to the filing are workpapers supporting the calculation of the revised GPS Surcharge of \$0.0069 per dt reflected on the tariff sheets included therein.

Transco asserts that it is serving copies of the instant filing to its affected customers, interested State Commissions and other interested parties.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with § 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with § 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the "FERRIS" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll-free at (866) 208-3676, or TTY, contact (202) 502-8659. The Commission strongly encourages electronic filings. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link.

*Comment Date:* July 14, 2003.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. 03-17687 Filed 7-11-03; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP03-537-000]

#### Trunkline LNG Company, LLC; Notice of Filing

July 8, 2003.

Take notice that on July 1, 2003, Trunkline LNG Company, LLC (TLNG) tendered for filing pursuant to section 21 of the General Terms and Conditions of its FERC Gas Tariff, Second Revised Volume No. 1-A.

TLNG states that section 21 provides for the flow-through of all penalty revenues collected, net of cost, (Miscellaneous Revenue Amount) to shippers under Rate Schedules FTS and ITS by means of a surcharge adjustment to the base reservation and usage rates (Miscellaneous Revenue Flowthrough Surcharge Adjustment). TLNG states that the effective date of each Miscellaneous Revenue Flowthrough Surcharge Adjustment is August 1.

TLNG states that in accordance with section 21, the Miscellaneous Revenue Amount shall be determined four (4) months prior to August 1. TLNG asserts that no penalty revenues have been billed or collected during this period and that consequently, there is no adjustment necessary to TLNG's base reservation and usage rates.

TLNG states that copies of this filing are being served on all affected customers and interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with § 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the "FERRIS" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll-free at (866) 208-3676, or TTY, contact

(202) 502-8659. The Commission strongly encourages electronic filings. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link.

*Comment Date:* July 14, 2003.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. 03-17683 Filed 7-11-03; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. EL03-208-000]

#### Vermont Public Power Supply Authority, Complainant, v. PG&E Energy Trading—Power, L.P. and PG&E National Energy Group, Inc., Respondents; Notice of Filing

July 7, 2003.

Take notice that on July 3, 2003, the Vermont Public Power Supply Authority (VPPSA) tendered for filing with the Federal Energy Regulatory Commission (Commission) pursuant to Rule 206 of the Commission's Rules of Practice and Procedure, 18 CFR 385.206, a Complaint Requesting Fast Track Processing. VPPSA filed the Complaint against PG&E Energy Trading—Power, L.P. (PGET) and PG&E National Energy Group, Inc., and states that PGET has suspended its provision of jurisdictional service to VPPSA. VPPSA asks FERC to utilize fast track processing and to order PGET to resume service to it under the terms and conditions of existing contracts. VPPSA seeks fast track relief on the grounds that it must make arrangements to replace power and energy that PGET is now refusing to supply.

Any person desiring to intervene or to protest this filing should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. All such motions or protests should be filed on or before the comment date, and, to the extent applicable, must be served on the applicant and on any other person designated on the official service list. This filing is available for review at the Commission or may be viewed on the

Commission's Web site at <http://www.ferc.gov>, using the "FERRIS" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll-free at (866)208-3676, or for TTY, contact (202)502-8659. Protests and interventions may be filed electronically via the Internet in lieu of paper; see 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the "e-Filing" link. The Commission strongly encourages electronic filings.

*Comment Date:* July 17, 2003.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. 03-17659 Filed 7-11-03; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RM98-1-000]

#### Regulations Governing Off-the-Record Communications; Public Notice

July 7, 2003.

This constitutes notice, in accordance with 18 CFR 385.2201(h), of the receipt

of exempt and prohibited off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive an exempt or a prohibited off-the-record communication relevant to the merits of a contested on-the-record proceeding, to deliver a copy of the communication, if written, or a summary of the substance of any oral communication, to the Secretary.

Prohibited communications will be included in a public, non-decisional file associated with, but not part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such requests only when it determines that fairness so requires.

Any person identified below as having made a prohibited off-the-record

communication should serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications will be included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of prohibited and exempt communications recently received in the Office of the Secretary. The communications listed are grouped by docket numbers. These filings are available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at <http://www.ferc.gov> using the "FERRIS" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For Assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or toll-free at (866)208-3676, or for TTY, contact (202)502-8659.

#### PROHIBITED

Docket No.	Date filed	Presenter or requester
1. EL03-51-000 .....	7-1-03	Robert L. Carey
2. ER03-949-000 .....	7-1-03	Mary Agnes Nimis

**Magalie R. Salas,**

*Secretary.*

[FR Doc. 03-17661 Filed 7-11-03; 8:45 am]

BILLING CODE 6717-01-P

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-7527-6]

### Science Advisory Board Environmental Health Committee; Notification of an Upcoming Meeting of the Supplemental Guidance for Assessing Cancer Susceptibility From Early-life Exposure to Carcinogens (SGACS) Review Panel

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency, Science Advisory Board (SAB) announces an upcoming meeting via teleconference to discuss the draft report of the Supplemental Guidance for Assessing Cancer Susceptibility from Early-life Exposure to Carcinogens (SGACS) review panel.

**DATES:** The teleconference will take place on August 5, 2003, from 3 p.m. to 5 p.m. (Eastern Daylight Time). Attendance will be by teleconference only.

**ADDRESSES:** Members of the public who wish to obtain the call-in number and access code to participate must contact Ms. Sandra Friedman, EPA Science Advisory Board Staff, at telephone/voice mail: (202) 564-2526, via e-mail at: [friedman.sandra@epa.gov](mailto:friedman.sandra@epa.gov) in order to register.

**FOR FURTHER INFORMATION CONTACT:** For general information about the meeting,

please contact Dr. Suhair Shallal, Designated Federal Officer (DFO), by telephone/voice mail at (202) 564-4566, by fax at (202) 501-0582; or via e-mail at [shallal.suhair@epa.gov](mailto:shallal.suhair@epa.gov). General information concerning the EPA Science Advisory Board can be found on the EPA SAB Web site at: <http://www.epa.gov/sab>.

#### SUPPLEMENTARY INFORMATION: Notification of Public Meeting

Pursuant to the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Supplemental Guidance for Assessing Cancer Susceptibility (SGACS) panel of the U.S. EPA Science Advisory Board (SAB) will meet to discuss its draft report of the review the EPA's Office of Research and Development draft document entitled "Supplemental Guidance for Assessing Cancer

Susceptibility From Early-Life Exposure to Carcinogens". This document provides a possible approach for assessing cancer susceptibility from early-life exposure to carcinogens.

The purpose of this meeting is to allow contemporaneous public access to the SGACS review panel's deliberations concerning the draft report. The meeting is open to the public; however, phone lines are limited and available on a first come basis. The meeting will be held at the times and date specified above. A copy of the draft agenda for the meeting will be posted on the SAB Web site (<http://www.epa.gov/sab>) (under the AGENDAS subheading) approximately 7 days before the meeting.

For more information regarding the background on this advisory activity, please refer to the **Federal Register**, 68 FR 10240, published on March 4, 2003 or the SAB Web site at <http://www.epa.gov/sab/panels/sgacsrp.html>.

The panel was charged with responding to questions concerning the document mentioned above. Information regarding these questions and the review materials are available in **Federal Register** Notice, 68 FR 17803 published on April 11, 2003.

#### **Providing Oral or Written Comments at SAB Meetings**

It is the policy of the EPA Science Advisory Board (SAB) to accept written public comments of any length, and to accommodate oral public comments whenever possible. The EPA SAB expects that public statements presented at its meetings will not be repetitive of previously submitted oral or written statements. *Oral Comments:* In general, each individual or group requesting an oral presentation at a face-to-face meeting will be limited to a total time of ten minutes (unless otherwise indicated) and no more than one hour total for all speakers. For teleconference meetings, opportunities for oral comment will usually be limited to no more than three minutes per speaker and no more than fifteen minutes total for all speakers. Interested parties should contact the DFO in writing at least one week prior to the meeting in order to be placed on the public speaker list for the meeting. Speakers should provide their comments and presentation slides for distribution to the reviewers and public at the meeting. *Written Comments:* Although the SAB accepts written comments until the date of the meeting (unless otherwise stated), written comments should be received in the SAB Staff Office at least one week prior to the meeting date so that the comments may be made available to the review panel for their consideration.

Comments should be supplied to the DFO at the address/contact information noted in the opening of this notice in the following formats: one hard copy with original signature, and one electronic copy via e-mail (acceptable file format: Adobe Acrobat, WordPerfect, Word, or Rich Text files (in IBM-PC/Windows 95/98 format). Those providing written comments and who attend the meeting are also asked to bring 35 copies of their comments for public distribution.

#### **Meeting Access**

Individuals requiring special accommodation at this meeting, should contact Dr. Shallal, at least five business days prior to the meeting date so that appropriate arrangements can be made.

Dated: July 8, 2003.

**A. Robert Flaak,**

*Acting Deputy Director of Management, EPA Science Advisory Board.*

[FR Doc. 03-17728 Filed 7-11-03; 8:45 am]

**BILLING CODE 6560-50-P**

### **ENVIRONMENTAL PROTECTION AGENCY**

**[OPPT-2003-0034; FRL-7318-3]**

#### **Draft Instructions for Reporting for the 2006 Partial Updating of the TSCA Chemical Inventory Database; Request for Comment; Notice of Public Meeting**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA is convening a focus group to receive comments from persons reporting data required by the Inventory Update Rule on the draft instructions for reporting in 2006. The instructions have been revised in response to amendments to 40 CFR part 710 promulgated on January 7, 2003, which substantially modify the information which must be reported for the partial updating of the TSCA Chemical Inventory Database beginning in 2006. The meeting of the focus group is open to the public.

**DATES:** The focus group meeting will be held on Friday, August 1, 2003, from 9 a.m. to approximately 2 p.m.

**ADDRESSES:** The meeting will be held at the U.S. Environmental Protection Agency, EPA East Bldg., Rm. 4225, 1201 Constitution Avenue, NW., Washington, DC.

Persons planning to attend the meeting of the focus group are encouraged to register with the technical contact person identified under **FOR FURTHER INFORMATION CONTACT** to facilitate entrance into the

EPA building and ensure that all interested persons can be accommodated. Prior registration is not required to attend the focus group meeting.

**FOR FURTHER INFORMATION CONTACT:** *For general information contact:* Barbara Cunningham, Director, Environmental Assistance Division (7408M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (202) 554-1404; e-mail address: [TSCA-Hotline@epa.gov](mailto:TSCA-Hotline@epa.gov).

*For technical information contact:* Fredric C. Arnold, Economics, Exposure, and Technology Division (7406M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: 202-564-8521; e-mail address: [arnold.fred@epa.gov](mailto:arnold.fred@epa.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. General Information**

###### *A. Does this Action Apply to Me?*

You may be potentially affected by this action if you manufacture chemical substances currently subject to reporting under the Inventory Update Rule (IUR) as amended on January 7, 2003, and codified at 40 CFR part 710. Persons who process chemical substances but who do not manufacture or import chemical substances are not required to comply with the requirements of 40 CFR part 710. Potentially affected entities may include, but are not limited to:

Chemical manufacturers and importers currently subject to IUR reporting, including manufacturers and importers of inorganic chemical substances (NAICS codes 325, 32411).

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. To determine whether you or your business may be affected by this action, you should carefully examine the applicability provisions at 40 CFR 710.48. If you have any questions regarding the applicability of this action to a particular entity, consult the technical contact person listed under **FOR FURTHER INFORMATION CONTACT**.



### *B. How Can I Get Copies of this Document and Other Related Information?*

1. *Docket.* EPA has established an official public docket for this action under docket identification (ID) number OPPT-2003-0034. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the EPA Docket Center, Rm. B102-Reading Room, EPA West, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The EPA Docket Center Reading Room telephone number is (202) 566-1744 and the telephone number for the OPPT Docket, which is located in EPA Docket Center, is (202) 566-0280.

2. *Electronic access.* You may access this **Federal Register** document electronically through the EPA Internet under the "**Federal Register**" listings at <http://www.epa.gov/fedrgstr/>.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at <http://www.epa.gov/edocket/> to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. Once in the system, select "search," then key in the appropriate docket ID number.

## **II. Background**

EPA is convening a focus group to receive comments on the Instructions for Reporting for the 2006 Partial Updating of the TSCA Chemical Substances Inventory. EPA is required by section 8(b) of the Toxic Substances Control Act (TSCA) to compile and update an inventory of chemical substances manufactured or imported in the United States. Every 4 years, manufacturers (including importers) of certain chemical substances on the Chemical Substances Inventory have been required to report data specified in the TSCA Section 8(a) Inventory Update

Rule (IUR), 40 CFR part 710. Past updates included information on the chemical's production volume, site-limited status, and plant site information. Amendments to the IUR published in the **Federal Register** of January 7, 2003 (68 FR 848) (FRL-6767-4), expanded the data reported on certain chemicals to assist EPA and others in screening potential exposures and risks resulting from manufacturing, processing, and use of TSCA chemical substances. At the same time, EPA amended the IUR regulations to increase the production volume threshold which triggers reporting requirements from 10,000 pounds per year to 25,000 pounds per year and established a new higher threshold of 300,000 pounds per year above which manufacturers must report additional information on downstream processing and use of their chemical substances. The 2003 amendments to the IUR also revoked the exemption from reporting for inorganic chemical substances, provided a partial exemption from reporting of processing and use information for chemical substances of low current interest, and continued the current exemption from reporting for polymers, microorganisms, and naturally occurring chemical substances. These changes modify requirements for information collected in calendar year 2005 and submitted in 2006 and thereafter. The meeting of the focus group may be of interest to persons currently reporting under the IUR and to manufacturers of inorganic chemical substances.

The meeting of the focus group will include a series of presentations by representatives of EPA on the Instructions for Reporting for the 2006 Partial Updating of the TSCA Chemical Inventory Database. Presentation topics will include reporting requirements, instructions for completing the reporting form, how to assert confidentiality claims, and how to submit completed reports to EPA. After each presentation, members of the focus group will be invited to comment on the clarity and completeness of the Instructions. Subsequently, other persons attending the meeting will be invited to comment on the Instructions. The purpose of the focus group is to receive input for improving the Instructions; subsequent meetings are planned for 2004 to provide training to persons who must report in 2006 under the IUR.

There is no charge for attending this meeting.

## **List of Subjects**

Environmental protection, Chemicals, Reporting and recordkeeping requirements.

Dated: July 7, 2003.

**Margaret Schneider,**

*Acting Director, Office of Pollution Prevention and Toxics.*

[FR Doc. 03-17729 Filed 7-11-03; 8:45 am]

**BILLING CODE 6560-50-S**

## **FEDERAL COMMUNICATIONS COMMISSION**

**[Report No. 2616]**

### **Petitions for Reconsideration and Clarification of Action in Rulemaking Proceedings**

July 7, 2003.

Petitions for Reconsideration and Clarification have been filed in the Commission's Rulemaking proceedings listed in this Public Notice and published pursuant to 47 CFR 1.429(e). The full text of this document is available for viewing and copying in Room CY-A257, 445 12th Street, SW., Washington, DC or may be purchased from the Commission's copy contractor, Qualex International (202) 863-2893. Oppositions to these petitions must be filed by July 29, 2003. See Section 1.4(b)(1) of the Commission's rule (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions have expired.

*Subject:* In the Matter of the Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996 (CC Docket No. 94-129);

Policies and Rules Concerning Unauthorized Changes of Consumers' Long Distance Carriers.

*Number of Petitions Filed:* 3.

*Subject:* Amendment of the FM Table of Allotments (Cheboygan, Rogers City, Bear Lake, Bellaire, Rapid River, Manistique, Ludington, Walhalla and Onaway, Michigan) (MM Docket No. 00-69, RM-9850, RM-9945, RM-9946).

*Number of Petitions Filed:* 1.

*Subject:* Amendment of the FM Table of Allotments (Quanah, Archer City, Converse, Flatonia, Georgetown, Ingram, Keller, Knox City, Lakeway, Lago Vista, Llano, McQueeney, Nolanville, San Antonio, Seymour, Waco and Wellington, Texas, and Ardmore, Durant, Elk City, Healdton, Lawton and Purcell, Oklahoma.) (MM Docket No. 00-148, RM-9939, RM-10198).

*Number of Petitions Filed:* 1.

*Subject:* Amendment of the Commission's Rules and Policies for

Applications and Licensing of Low Power Operations in the Private Land Mobile Radio 450–470 MHz Band (WT Docket No. 01–146, RM–9966).

*Number of Petitions Filed:* 1.

*Subject:* Amendment of the FM Table of Allotments (Magnolia, Arkansas and Oil City, Louisiana) (MB Docket No. 02–199, RM–10514).

*Number of Petitions Filed:* 1.

**Marlene H. Dortch,**

*Secretary.*

[FR Doc. 03–17718 Filed 7–11–03; 8:45 am]

**BILLING CODE 6712–01–M**

## FEDERAL HOUSING FINANCE BOARD

[No. 2003–N–6]

### Federal Home Loan Bank Members Selected for Community Support Review

**AGENCY:** Federal Housing Finance Board.

**ACTION:** Notice.

**SUMMARY:** The Federal Housing Finance Board (Finance Board) is announcing the Federal Home Loan Bank (Bank) members it has selected for the 2002–03 sixth quarter review cycle under the Finance Board's community support requirements regulation. This notice also prescribes the deadline by which Bank members selected for review must submit Community Support Statements to the Finance Board.

**DATES:** Bank members selected for the 2002–03 sixth quarter review cycle under the Finance Board's community support requirements regulation must submit completed Community Support Statements to the Finance Board on or before August 25, 2003.

**ADDRESSES:** Bank members selected for the 2002–03 sixth quarter review cycle

under the Finance Board's community support requirements regulation must submit completed Community Support Statements to the Finance Board either by regular mail at the Federal Housing Finance Board, Office of Supervision, Community Investment and Affordable Housing, 1777 F Street, NW., Washington, DC 20006, or by electronic mail at [fitzgerald@fhfb.gov](mailto:fitzgerald@fhfb.gov).

#### FOR FURTHER INFORMATION CONTACT:

Emma J. Fitzgerald, Program Analyst, Office of Supervision, Community Investment and Affordable Housing, by telephone at 202/408–2874, by electronic mail at [fitzgerald@fhfb.gov](mailto:fitzgerald@fhfb.gov), or by regular mail at the Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006.

#### SUPPLEMENTARY INFORMATION:

##### I. Selection for Community Support Review

Section 10(g)(1) of the Federal Home Loan Bank Act (Bank Act) requires the Finance Board to promulgate regulations establishing standards of community investment or service Bank members must meet in order to maintain access to long-term advances. See 12 U.S.C. 1430(g)(1). The regulations promulgated by the Finance Board must take into account factors such as the Bank member's performance under the Community Reinvestment Act of 1977 (CRA), 12 U.S.C. 2901 *et seq.*, and record of lending to first-time homebuyers. See 12 U.S.C. 1430(g)(2). Pursuant to section 10(g) of the Bank Act, the Finance Board has promulgated a community support requirements regulation that establishes standards a Bank member must meet in order to maintain access to long-term advances, and review criteria the Finance Board must apply in evaluating a member's community support performance. See 12 CFR part 944. The regulation

includes standards and criteria for the two statutory factors—CRA performance and record of lending to first-time homebuyers. 12 CFR 944.3. Only members subject to the CRA must meet the CRA standard. 12 CFR 944.3(b). All members, including those not subject to CRA, must meet the first-time homebuyer standard. 12 CFR 944.3(c).

Under the rule, the Finance Board selects approximately one-eighth of the members in each Bank district for community support review each calendar quarter. 12 CFR 944.2(a). The Finance Board will not review an institution's community support performance until it has been a Bank member for at least one year. Selection for review is not, nor should it be construed as, any indication of either the financial condition or the community support performance of the member.

Each Bank member selected for review must complete a Community Support Statement and submit it to the Finance Board by the August 25, 2003 deadline prescribed in this notice. 12 CFR 944.2(b)(1)(ii) and (c). On or before July 28, 2003, each Bank will notify the members in its district that have been selected for the 2002–03 sixth quarter community support review cycle that they must complete and submit to the Finance Board by the deadline a Community Support Statement. 12 CFR 944.2(b)(2)(i). The member's Bank will provide a blank Community Support Statement Form, which also is available on the Finance Board's Web site: <http://www.fhfb.gov>. Upon request, the member's Bank also will provide assistance in completing the Community Support Statement.

The Finance Board has selected the following members for the 2002–03 sixth quarter community support review cycle:

Member	City	State
<b>Federal Home Loan Bank of Boston—District 1</b>		
Charter Oak Federal Credit Union .....	Groton .....	Connecticut.
Salisbury Bank & Trust Company .....	Lakeville .....	Connecticut.
Chelsea Groton Savings Bank .....	Norwich .....	Connecticut.
Rockville Bank .....	South Windsor .....	Connecticut.
Thomaston Savings Bank .....	Thomaston .....	Connecticut.
North American Bank & Trust Company .....	Waterbury .....	Connecticut.
Wilton Bank .....	Wilton .....	Connecticut.
Kennebec Savings Bank .....	Augusta .....	Maine.
Bath Savings Institution .....	Bath .....	Maine.
Maine Savings Federal Credit Union .....	Hampden .....	Maine.
Androscoggin Savings Bank .....	Lewiston .....	Maine.
Saco & Biddeford Savings Institution .....	Saco .....	Maine.
Sanford Institution for Savings .....	Sanford .....	Maine.
Asian American Bank & Trust Company .....	Boston .....	Massachusetts.
The Community Bank, a Massachusetts Cooperative Bank .....	Brockton .....	Massachusetts.
Chicopee Savings Bank .....	Chicopee .....	Massachusetts.
Weymouth Bank .....	East Weymouth .....	Massachusetts.

Member	City	State
Easthampton Savings Bank .....	Easthampton .....	Massachusetts.
Dukes County Savings Bank .....	Edgartown .....	Massachusetts.
Bank of Fall River, A Co-operative Bank .....	Fall River .....	Massachusetts.
Foxborough Savings Bank .....	Foxboro .....	Massachusetts.
Gloucester Cooperative Bank .....	Gloucester .....	Massachusetts.
Hudson Savings Bank .....	Hudson .....	Massachusetts.
Hyde Park Cooperative Bank .....	Hyde Park .....	Massachusetts.
Lee Bank .....	Lee .....	Massachusetts.
Washington Savings Bank .....	Lowell .....	Massachusetts.
Eastern Bank .....	Lynn .....	Massachusetts.
Community Credit Union of Lynn .....	Lynn .....	Massachusetts.
National Grand Bank .....	Marblehead .....	Massachusetts.
Strata Bank .....	Medway .....	Massachusetts.
Nantucket Bank .....	Nantucket .....	Massachusetts.
Middlesex Savings Bank .....	Natick .....	Massachusetts.
First & Ocean National Bank .....	Newburyport .....	Massachusetts.
Newburyport Five Cents Savings Bank .....	Newburyport .....	Massachusetts.
North Easton Savings Bank .....	North Easton .....	Massachusetts.
Norwood Cooperative Bank .....	Norwood .....	Massachusetts.
Seamen's Bank .....	Provincetown .....	Massachusetts.
Granite Savings Bank .....	Rockport .....	Massachusetts.
Rockport National Bank .....	Rockport .....	Massachusetts.
The Cooperative Bank .....	Rosindale .....	Massachusetts.
The Bank of Western Massachusetts .....	Springfield .....	Massachusetts.
Randolph Savings Bank .....	Stoughton .....	Massachusetts.
The Savings Bank .....	Wakefield .....	Massachusetts.
Walpole Co-operative Bank .....	Walpole .....	Massachusetts.
Watertown Savings Bank .....	Watertown .....	Massachusetts.
Northern Bank & Trust Company .....	Woburn .....	Massachusetts.
First Colebrook Bank .....	Colebrook .....	New Hampshire.
Merrimack County Savings Bank .....	Concord .....	New Hampshire.
New Hampshire Federal Credit Union .....	Concord .....	New Hampshire.
Laconia Savings Bank .....	Laconia .....	New Hampshire.
Mascoma Savings Bank .....	Lebanon .....	New Hampshire.
Southern New Hampshire Bank .....	Salem .....	New Hampshire.

## Federal Home Loan Bank of New York—District 2

Skylands Community Bank .....	Hackettstown .....	New Jersey.
Haddon Savings Bank .....	Haddon Heights .....	New Jersey.
Gibraltar Savings Bank, FSB .....	Newark .....	New Jersey.
New Community Federal Credit Union .....	Newark .....	New Jersey.
Merrill Lynch Trust Company, FSB .....	Princeton .....	New Jersey.
The Rahway Savings Institution .....	Rahway .....	New Jersey.
Interchange Bank .....	Saddle Brook .....	New Jersey.
Minotola National Bank .....	Vineland .....	New Jersey.
Flatbush FS&LA of Brooklyn .....	Brooklyn .....	New York.
Manufacturers and Traders Trust Company .....	Buffalo .....	New York.
Trustco Bank .....	Canajoharie .....	New York.
The Bank of Greene County .....	Catskill .....	New York.
Ontario National Bank .....	Clifton Springs .....	New York.
Bank of Richmondville .....	Cobleskill .....	New York.
Fairport Savings Bank .....	Fairport .....	New York.
Highland Falls FS&LA .....	Highland Falls .....	New York.
Steuben Trust Company .....	Hornell .....	New York.
Ulster Savings Bank .....	Kingston .....	New York.
Suffolk Federal Credit Union .....	Medford .....	New York.
Atlantic Bank of New York .....	New York .....	New York.
Sterling National Bank .....	New York .....	New York.
Habib American Bank .....	New York .....	New York.
The Rome Savings Bank .....	Rome .....	New York.
Sleepy Hollow National Bank .....	Sleepy Hollow .....	New York.
Solvay Bank .....	Solvay .....	New York.
The Troy Savings Bank .....	Troy .....	New York.
Walden Savings Bank .....	Walden .....	New York.
Champlain National Bank .....	Willsboro .....	New York.
Banco Popular de Puerto Rico .....	San Juan .....	Puerto Rico.

## Federal Home Loan Bank of Pittsburgh—District 3

Enterprise Bank .....	Allison Park .....	Pennsylvania.
Apollo Trust Company .....	Apollo .....	Pennsylvania.
Nazareth National Bank and Trust Company .....	Bethlehem .....	Pennsylvania.
Farmers and Merchants Trust Company .....	Chambersburg .....	Pennsylvania.

Member	City	State
Cambria County FS&LA .....	Cresson .....	Pennsylvania.
Premier Bank .....	Doylestown .....	Pennsylvania.
Portage National Bank .....	Ebensburg .....	Pennsylvania.
Elderton State Bank .....	Elderton .....	Pennsylvania.
East Penn Bank .....	Emmaus .....	Pennsylvania.
First National Bank of Fredericksburg .....	Fredericksburg .....	Pennsylvania.
The Gratz National Bank .....	Gratz .....	Pennsylvania.
Harleysville National Bank & Trust Company .....	Harleysville .....	Pennsylvania.
Irwin Bank and Trust Company .....	Irwin .....	Pennsylvania.
The Farmers National Bank of Kittanning .....	Kittanning .....	Pennsylvania.
The Bank of Landisburg .....	Landisburg .....	Pennsylvania.
First National Bank of Liverpool .....	Liverpool .....	Pennsylvania.
The Mars National Bank .....	Mars .....	Pennsylvania.
Fulton County National Bank & Trust Company .....	McConnellsburg .....	Pennsylvania.
The Union National Bank of Mt. Carmel .....	Mt. Carmel .....	Pennsylvania.
The New Tripoli National Bank .....	New Tripoli .....	Pennsylvania.
The National Bank of North East .....	North East .....	Pennsylvania.
Police & Fire Federal Credit Union .....	Philadelphia .....	Pennsylvania.
Reliance Standard Life Insurance Company .....	Philadelphia .....	Pennsylvania.
St. Edmond's Federal Savings Bank .....	Philadelphia .....	Pennsylvania.
Phoenixville Federal Savings & Loan Association .....	Phoenixville .....	Pennsylvania.
Security National Bank .....	Pottstown .....	Pennsylvania.
SunBank .....	Selinsgrove .....	Pennsylvania.
Orrstown Bank .....	Shippensburg .....	Pennsylvania.
First County Bank .....	Warrington .....	Pennsylvania.
Jersey Shore State Bank .....	Williamsport .....	Pennsylvania.
PeoplesBank, a Codurus Valley Company .....	York .....	Pennsylvania.
Progressive Bank N.A. Buckhannon .....	Buckhannon .....	West Virginia.
First Exchange Bank .....	Mannington .....	West Virginia.
First National Bank of Romney .....	Romney .....	West Virginia.
Ameribank .....	Welch .....	West Virginia.

## Federal Home Loan Bank of Atlanta—District 4

AuburnBank .....	Auburn .....	Alabama.
AmSouth Bank .....	Birmingham .....	Alabama.
First Commercial Bank of Huntsville .....	Huntsville .....	Alabama.
SOUTHBANK, A Federal Savings Bank .....	Huntsville .....	Alabama.
Peachtree Bank .....	Maplesville .....	Alabama.
Farmers and Merchants Bank .....	Piedmont .....	Alabama.
The North Jackson Bank .....	Stevenson .....	Alabama.
First Bradenton Bank .....	Bradenton .....	Florida.
Riverside National Bank .....	Fort Pierce .....	Florida.
Peoples State Bank .....	Lake City .....	Florida.
The Bank of Brevard .....	Melbourne .....	Florida.
Pinebank .....	Miami .....	Florida.
The First National Bank of Florida .....	Milton .....	Florida.
Tarpon Coast National Bank .....	Port Charlotte .....	Florida.
The Bank of Tampa .....	Tampa .....	Florida.
First Commercial Bank of Tampa .....	Tampa .....	Florida.
Indian River National Bank .....	Vero Beach .....	Florida.
HeritageBank of the South .....	Albany .....	Georgia.
HeritageBank of the South .....	Albany .....	Georgia.
First American Bank and Trust Company .....	Athens .....	Georgia.
United Community Bank .....	Blairsville .....	Georgia.
Main Street Bank .....	Covington .....	Georgia.
First State Bank of Randolph County .....	Cuthbert .....	Georgia.
First Intercontinental Bank .....	Doralville .....	Georgia.
The Glennville Bank and Trust Co .....	Glennville .....	Georgia.
Farmers and Merchants Bank .....	Lakeland .....	Georgia.
Security Bank of Bibb County .....	Macon .....	Georgia.
Southwest Georgia Bank .....	Moultrie .....	Georgia.
Carver State Bank .....	Savannah .....	Georgia.
The First State Bank .....	Stockbridge .....	Georgia.
Bank of Upson .....	Thomaston .....	Georgia.
Thomasville National Bank .....	Thomasville .....	Georgia.
Liberty Federal Savings and Loan Association .....	Baltimore .....	Maryland.
Kopernik Federal Savings Association .....	Baltimore .....	Maryland.
Slavie Federal Savings Bank .....	Bel Air .....	Maryland.
Chesapeake Bank and Trust Company .....	Chestertown .....	Maryland.
The Chestertown Bank of Maryland .....	Chestertown .....	Maryland.
Hagerstown Trust Company .....	Hagerstown .....	Maryland.
Lafayette Federal Credit Union .....	Kensington .....	Maryland.
First United Bank & Trust .....	Oakland .....	Maryland.

Member	City	State
The National Bank of Rising Sun .....	Rising Sun .....	Maryland.
Bank of Stanly .....	Albemarle .....	North Carolina.
Home Savings Bank of Albemarle, SSB .....	Albemarle .....	North Carolina.
Self-Help Credit Union .....	Durham .....	North Carolina.
Gibsonville Community Bank .....	Gibsonville .....	North Carolina.
Farmers & Merchants Bank .....	Salisbury .....	North Carolina.
First National Bank of Shelby .....	Shelby .....	North Carolina.
Farmers and Merchants Bank .....	Holly Hill .....	South Carolina.
E*Trade Bank .....	Arlington .....	Virginia.
Northern Neck State Bank .....	Bowling Green .....	Virginia.
American National Bank and Trust Company .....	Danville .....	Virginia.
Farmers Bank of Maryland .....	Falls Church .....	Virginia.
The Bank of Fincastle .....	Fincastle .....	Virginia.
Marshall National Bank and Trust Company .....	Marshall .....	Virginia.
The Middleburg Bank .....	Middleburg .....	Virginia.
First Sentinel Bank .....	Richlands .....	Virginia.
First Bank .....	Strasburg .....	Virginia.

## Federal Home Loan Bank of Cincinnati—District 5

Bedford Loan and Deposit Bank .....	Bedford .....	Kentucky.
Berea National Bank .....	Berea .....	Kentucky.
South Central Bank of Bowling Green, Inc .....	Bowling Green .....	Kentucky.
Meade County Bank .....	Brandenburg .....	Kentucky.
Campbellsville National Bank .....	Campbellsville .....	Kentucky.
The First National Bank of Columbia .....	Columbia .....	Kentucky.
Edmonton State Bank .....	Edmonton .....	Kentucky.
FNB of Northern Kentucky .....	Ft. Mitchell .....	Kentucky.
Bank of Germantown .....	Germantown .....	Kentucky.
United Community Bank .....	Glasgow .....	Kentucky.
First Security Bank & Trust, McLean .....	Island .....	Kentucky.
The Lawrenceburg National Bank .....	Lawrenceburg .....	Kentucky.
The Farmers National Bank of Lebanon .....	Lebanon .....	Kentucky.
Square D Employees' Federal Credit Union .....	Lexington .....	Kentucky.
Fifth Third Bank Kentucky, Inc .....	Louisville .....	Kentucky.
The Citizens National Bank .....	Russellville .....	Kentucky.
Bullitt County Bank .....	Sheperdsville .....	Kentucky.
Bank of McCreary County .....	Whitley City .....	Kentucky.
Williamsburg National Bank .....	Williamsburg .....	Kentucky.
FirstMerit Bank, N.A .....	Akron .....	Ohio.
Bethel Building and Loan Company .....	Bethel .....	Ohio.
The Equitable Savings and Loan Company .....	Cadiz .....	Ohio.
CinFed Employees Federal Credit Union .....	Cincinnati .....	Ohio.
People's Community Bank .....	Cincinnati .....	Ohio.
The Mt. Washington Savings and Loan Company .....	Cincinnati .....	Ohio.
ShoreBank, Cleveland .....	Cleveland .....	Ohio.
Community First Bank, National Association .....	Forest .....	Ohio.
First Ohio Credit Union, Incorporated .....	Fostoria .....	Ohio.
Galion Building and Loan Association .....	Galion .....	Ohio.
Greenville National Bank .....	Greenville .....	Ohio.
Second National Bank .....	Greenville .....	Ohio.
New Richmond National Bank .....	Highland Heights .....	Ohio.
The First Bremen Bank .....	Lancaster .....	Ohio.
First Federal Savings and Loan Association of Lorain .....	Lorain .....	Ohio.
Metropolitan Bank and Trust Company .....	Mayfield Heights .....	Ohio.
Geauga Savings Bank .....	Newbury .....	Ohio.
The Lenox Savings Bank .....	Norwood .....	Ohio.
The Ripley National Bank .....	Ripley .....	Ohio.
Ripley Federal Savings and Loan Association .....	Ripley .....	Ohio.
The First National Bank of Shelby .....	Shelby .....	Ohio.
Strasburg Savings Bank .....	Strasburg .....	Ohio.
Toledo Area Catholic Credit Union .....	Sylvania .....	Ohio.
The Peoples Savings Bank .....	Urbana .....	Ohio.
First Federal Savings and Loan Association of Van Wert .....	Van Wert .....	Ohio.
The Second National Bank of Warren .....	Warren .....	Ohio.
Perpetual Savings Bank .....	Wellsville .....	Ohio.
First Federal Savings Bank of Eastern Ohio .....	Zanesville .....	Ohio.
The Citizens National Bank of Athens .....	Athens .....	Tennessee.
Tennessee Valley FCU .....	Chattanooga .....	Tennessee.
Bank of Putnam County .....	Cookeville .....	Tennessee.
Farmers Bank .....	Cornersville .....	Tennessee.
First Federal Savings Bank .....	Dickson .....	Tennessee.
Carter County Bank .....	Elizabethton .....	Tennessee.
Jackson Bank & Trust .....	Gainesboro .....	Tennessee.

Member	City	State
Gates Banking & Trust Company .....	Gates .....	Tennessee.
Bank of Gleason .....	Gleason .....	Tennessee.
Greene County Bank .....	Greeneville .....	Tennessee.
Bank of Halls .....	Halls .....	Tennessee.
Commercial Bank .....	Harrogate .....	Tennessee.
Union Bank .....	Jamestown .....	Tennessee.
Bank of Tennessee .....	Kingsport .....	Tennessee.
First Bank .....	Lexington .....	Tennessee.
Enterprise National Bank .....	Memphis .....	Tennessee.
The Bank of Milan .....	Milan .....	Tennessee.
Cavalry Banking .....	Murfreesboro .....	Tennessee.
Rutherford Bank and Trust .....	Murfreesboro .....	Tennessee.
Commercial Bank & Trust Company .....	Paris .....	Tennessee.
Tennessee State Bank .....	Pigeon Forge .....	Tennessee.
The Farmers Bank .....	Portland .....	Tennessee.
Central Bank .....	Savannah .....	Tennessee.
First Community Bank of Bedford County .....	Shelbyville .....	Tennessee.
Farmers & Merchants Bank .....	Trezevant .....	Tennessee.
American City Bank .....	Tullahoma .....	Tennessee.
Reelfoot Bank .....	Union City .....	Tennessee.

## Federal Home Loan Bank of Indianapolis—District 6

First National Bank .....	Cloverdale .....	Indiana.
CSB State Bank .....	Cynthiana .....	Indiana.
Three Rivers Federal Credit Union .....	Fort Wayne .....	Indiana.
Grabill Bank .....	Grabill .....	Indiana.
Union Federal Bank of Indianapolis .....	Indianapolis .....	Indiana.
Landmark Savings Bank, FSB .....	Indianapolis .....	Indiana.
Lafayette Savings Bank, FSB .....	Lafayette .....	Indiana.
Peoples Savings & Loan Association .....	Monticello .....	Indiana.
First Citizens State Bank .....	Newport .....	Indiana.
Citizens State Bank .....	Petersburg .....	Indiana.
Home Building Savings Bank, FSB .....	Washington .....	Indiana.
American Trust and Savings Bank of Whiting .....	Whiting .....	Indiana.
FirstBank—Alma .....	Alma .....	Michigan.
Signature Bank .....	Bad Axe .....	Michigan.
Lake-Osceola State Bank .....	Baldwin .....	Michigan.
Central State Bank .....	Beulah .....	Michigan.
Eastern Michigan Bank .....	Croswell .....	Michigan.
Eagle County Federal Credit Union .....	Crystal Falls .....	Michigan.
State Bank of Ewen .....	Ewen .....	Michigan.
Oakland Commerce Bank .....	Farmington Hills .....	Michigan.
Credit Union One .....	Ferndale .....	Michigan.
LSI Credit Union .....	Grand Rapids .....	Michigan.
Valley Ridge Bank .....	Kent City .....	Michigan.
Co-op Services Credit Union .....	Livonia .....	Michigan.
FirstBank .....	Mount Pleasant .....	Michigan.
First National Bank of Norway .....	Norway .....	Michigan.
Sterling Bank and Trust, fsb .....	Southfield .....	Michigan.
First Resource Federal Credit Union .....	St. Joseph .....	Michigan.

## Federal Home Loan Bank of Chicago—District 7

National Bank of Commerce .....	Berkeley .....	Illinois.
Commonwealth Credit Union .....	Bourbonnais .....	Illinois.
Prairie Bank and Trust Company .....	Bridgeview .....	Illinois.
Cerro Gordo Building and Loan, s.b .....	Cerro Gordo .....	Illinois.
ShoreBank .....	Chicago .....	Illinois.
The First Commercial Bank .....	Chicago .....	Illinois.
Marquette Bank .....	Chicago .....	Illinois.
Resource Bank, N.A .....	DeKalb .....	Illinois.
DuQuoin State Bank .....	DuQuoin .....	Illinois.
Crossroads Bank .....	Effingham .....	Illinois.
Midwest Bank and Trust .....	Elmwood Park .....	Illinois.
Metrobank, N.A. ....	East Moline .....	Illinois.
Fisher National Bank .....	Fisher .....	Illinois.
Midwest Bank of Freeport .....	Freeport .....	Illinois.
Midwest Bank of Hinsdale .....	Hinsdale .....	Illinois.
Jacksonville Savings Bank .....	Jacksonville .....	Illinois.
Kankakee Federal Savings Bank .....	Kankakee .....	Illinois.
Union Federal Savings and Loan Association .....	Kewanee .....	Illinois.
Citizens State Bank .....	Lena .....	Illinois.
Brickyard Bank .....	Lincolnwood .....	Illinois.

Member	City	State
Citizens National Bank .....	Macomb .....	Illinois.
First Suburban National Bank .....	Maywood .....	Illinois.
Community National Bank .....	Metropolis .....	Illinois.
Marquette Bank Monmouth .....	Monmouth .....	Illinois.
Morris Building and Loan, s.b .....	Morris .....	Illinois.
Marquette Bank Morrison .....	Morrison .....	Illinois.
Farmers State Bank Chadwick & Mt. Carroll .....	Mt. Carroll .....	Illinois.
First National Bank of Nokomis .....	Nokomis .....	Illinois.
Nokomis Savings Bank .....	Nokomis .....	Illinois.
Orangeville Community Bank .....	Orangeville .....	Illinois.
First National Bank of Pana .....	Pana .....	Illinois.
Vermillion Valley Bank .....	Piper City .....	Illinois.
First State Bank of Red Bud .....	Red Bud .....	Illinois.
Capaha Bank, S.B .....	Tamms .....	Illinois.
AmeriMark Bank .....	Villa Park .....	Illinois.
Waukegan Savings and Loan, SB .....	Waukegan .....	Illinois.
North Shore Trust and Savings .....	Waukegan .....	Illinois.
Prospect Federal Savings Bank .....	Worth .....	Illinois.
First National Bank of Xenia .....	Xenia .....	Illinois.
American National Bank Fox Cities .....	Appleton .....	Wisconsin.
State Bank of Arcadia .....	Arcadia .....	Wisconsin.
The First National Bank and Trust Co. of Baraboo .....	Baraboo .....	Wisconsin.
First National Bank of Barron .....	Barron .....	Wisconsin.
Blackhawk State Bank .....	Beloit .....	Wisconsin.
First National Bank of Berlin .....	Berlin .....	Wisconsin.
Badger State Bank .....	Cassville .....	Wisconsin.
State Bank of Chilton .....	Chilton .....	Wisconsin.
American Bank .....	Eau Claire .....	Wisconsin.
American Bank .....	Fond du Lac .....	Wisconsin.
Franklin State Bank .....	Franklin .....	Wisconsin.
Peoples National Bank .....	Hayward .....	Wisconsin.
Horicon State Bank .....	Horicon .....	Wisconsin.
Farmers State Bank .....	Markesan .....	Wisconsin.
Mid Wisconsin Bank .....	Medford .....	Wisconsin.
Associated Bank South Central .....	Middleton .....	Wisconsin.
Lincoln State Bank .....	Milwaukee .....	Wisconsin.
Mitchell Bank .....	Milwaukee .....	Wisconsin.
Bank of Monticello .....	Monticello .....	Wisconsin.
Associated Bank, N.A. .....	Neenah .....	Wisconsin.
The Bank of New Glarus .....	New Glarus .....	Wisconsin.
First National Bank of New Richmond .....	New Richmond .....	Wisconsin.
The RiverBank .....	Osceola .....	Wisconsin.
Bank of Poynette .....	Poynette .....	Wisconsin.
Johnson Bank .....	Racine .....	Wisconsin.
Shell Lake State Bank .....	Shell Lake .....	Wisconsin.
Eagle Valley Bank, N.A .....	St. Croix Falls .....	Wisconsin.
Acuity Bank SSB .....	Tomah .....	Wisconsin.
The Equitable Bank, S.S.B .....	Wauwatosa .....	Wisconsin.
ALLCO Credit Union .....	West Allis .....	Wisconsin.
Westby Co-op Credit Union .....	Westby .....	Wisconsin.
Fortress Bank of Westby .....	Westby .....	Wisconsin.

## Federal Home Loan Bank of Des Moines—District 8

Ackley State Bank .....	Ackley .....	Iowa.
Exchange State Bank .....	Adair .....	Iowa.
First State Bank .....	Belmond .....	Iowa.
Columbus Junction State Bank .....	Columbus Junction .....	Iowa.
Freedom Security Bank .....	Coralville .....	Iowa.
Iowa State Savings Bank .....	Creston .....	Iowa.
Decorah Bank & Trust .....	Decorah .....	Iowa.
Wells Fargo Bank Iowa, N.A .....	Des Moines .....	Iowa.
AmerUS Life Insurance Company .....	Des Moines .....	Iowa.
Dupaco Community Credit Union .....	Dubuque .....	Iowa.
Grundy National Bank .....	Grundy Center .....	Iowa.
Hartwick State Bank .....	Hartwick .....	Iowa.
Hiawatha Bank and Trust Company .....	Hiawatha .....	Iowa.
Community State Bank .....	Indianaola .....	Iowa.
Green Belt Bank & Trust .....	Iowa Falls .....	Iowa.
First National Bank .....	Le Mars .....	Iowa.
Western Bank & Trust, N.A .....	Moville .....	Iowa.
First National Bank of Muscatine .....	Muscatine .....	Iowa.
Security State Bank .....	New Hampton .....	Iowa.
Oakland State Bank .....	Oakland .....	Iowa.

Member	City	State
Citizens State Bank .....	Oakland .....	Iowa.
First National Bank of Sioux City .....	Sioux Center .....	Iowa.
Security National Bank .....	Sioux City .....	Iowa.
Heartland Bank .....	Somers .....	Iowa.
State Bank .....	Spencer .....	Iowa.
Farmers Trust and Savings Bank .....	Spencer .....	Iowa.
First Bank & Trust .....	Spirit Lake .....	Iowa.
The Citizens First National Bank of Storm Lake .....	Storm Lake .....	Iowa.
West Chester Savings Bank .....	Washington .....	Iowa.
Community National Bank .....	Waterloo .....	Iowa.
The First National Bank of Waverly .....	Waverly .....	Iowa.
Peoples Savings Bank .....	Wellsburg .....	Iowa.
Farm Bureau Life Insurance Company .....	West Des Moines .....	Iowa.
Farm Bureau Mutual Insurance Company .....	West Des Moines .....	Iowa.
Farmers Savings Bank .....	Wever .....	Iowa.
State Bank .....	Worthington .....	Iowa.
Atwater State Bank .....	Atwater .....	Minnesota.
First National Bank of Brewster .....	Brewster .....	Minnesota.
City County Federal Credit Union .....	Brooklyn Center .....	Minnesota.
Peoples Bank of Commerce .....	Cambridge .....	Minnesota.
First National Bank .....	Chisholm .....	Minnesota.
Clinton State Bank .....	Clinton .....	Minnesota.
Eitzen State Bank .....	Eitzen .....	Minnesota.
Mainstreet Bank .....	Forest Lake .....	Minnesota.
Citizens State Bank of Glenville .....	Glenville .....	Minnesota.
First Security Bank—Hendricks .....	Hendricks .....	Minnesota.
The First National Bank of Henning .....	Henning .....	Minnesota.
Jackson Federal Savings & Loan Association .....	Jackson .....	Minnesota.
Janesville State Bank .....	Janesville .....	Minnesota.
Citizens State Bank of Kelliher .....	Kelliher .....	Minnesota.
Security State Bank of Kenyon .....	Kenyon .....	Minnesota.
State Bank of Long Lake .....	Long Lake .....	Minnesota.
Lake Country State Bank .....	Long Prairie .....	Minnesota.
United Prairie Bank—Madison .....	Madison .....	Minnesota.
Bank of Maple Plain .....	Maple Plain .....	Minnesota.
Superior Guaranty Insurance Company .....	Minneapolis .....	Minnesota.
First National Bank in Montevideo .....	Montevideo .....	Minnesota.
Valley Bank & Trust .....	New Ulm .....	Minnesota.
Citizens Bank of New Ulm .....	New Ulm .....	Minnesota.
Community National Bank .....	Northfield .....	Minnesota.
Minnwest Bank Ortonville .....	Ortonville .....	Minnesota.
Pine River State Bank .....	Pine River .....	Minnesota.
Border State Bank .....	Roseau .....	Minnesota.
First Security Bank—Sanborn .....	Sanborn .....	Minnesota.
Americana Community Bank .....	Sleepy Eye .....	Minnesota.
Western Bank .....	St. Paul .....	Minnesota.
Vermillion State Bank .....	Vermillion .....	Minnesota.
Northern State Bank of Virginia .....	Virginia .....	Minnesota.
First State Bank of Wabasha .....	Wabasha .....	Minnesota.
Heritage Bank .....	Willmar .....	Minnesota.
Merchants Bank, N.A. .....	Winona .....	Minnesota.
First State Bank of Wyoming .....	Wyoming .....	Minnesota.
Bank of Zumbrota .....	Zumbrota .....	Minnesota.
Boone County National Bank .....	Columbia .....	Missouri.
Commercial Trust Company .....	Fayette .....	Missouri.
Home Exchange Bank .....	Jamesport .....	Missouri.
Jefferson Bank of MO .....	Jefferson City .....	Missouri.
Central Bank of Kansas City .....	Kansas City .....	Missouri.
CommunityAmerica Credit Union .....	Kansas City .....	Missouri.
Kearney Trust Company .....	Kearney .....	Missouri.
Lawson Bank .....	Lawson .....	Missouri.
United State Bank .....	Lewistown .....	Missouri.
First Missouri State Bank .....	Poplar Bluff .....	Missouri.
First State Bank of Purdy .....	Purdy .....	Missouri.
The Seymour Bank .....	Seymour .....	Missouri.
State Bank of Slater .....	Slater .....	Missouri.
The Citizens Bank of Sparta .....	Sparta .....	Missouri.
Metropolitan National Bank .....	Springfield .....	Missouri.
Southwest Bank of St. Louis .....	St. Louis .....	Missouri.
Webb City Bank .....	Webb City .....	Missouri.
Heartland State Bank .....	Edgeley .....	North Dakota.
Community National Bank .....	Grand Forks .....	North Dakota.
Bremer Bank, N.A. .....	Grand Forks .....	North Dakota.
Stutsman County State Bank .....	Jamestown .....	North Dakota.



Member	City	State
Northland Financial .....	Steele .....	North Dakota.
Peoples State Bank .....	Westhope .....	North Dakota.
Security State Bank .....	Wishek .....	North Dakota.
Dakota State Bank .....	Blunt .....	South Dakota.
BankWest, Inc. ....	Pierre .....	South Dakota.
American Memorial Life Insurance Company .....	Rapid City .....	South Dakota.
Security Bank .....	Sioux Falls .....	South Dakota.
First National Bank of White .....	White .....	South Dakota.
1st Dakota National Bank .....	Yankton .....	South Dakota.

## Federal Home Loan Bank of Dallas—District 9

American Founders Life Insurance Company .....	Phoenix .....	Arizona.
Bank of Cave City .....	Cave City .....	Arkansas.
First National Bank of Crossett .....	Crossett .....	Arkansas.
Simmons First Bank of El Dorado, NA .....	El Dorado .....	Arkansas.
Bank of Arkansas, N.A. ....	Fayetteville .....	Arkansas.
Greers Ferry Lake State Bank .....	Heber Springs .....	Arkansas.
First National Bank of Phillips County .....	Helena .....	Arkansas.
American State Bank .....	Jonesboro .....	Arkansas.
Little River Bank .....	Lepanto .....	Arkansas.
Malvern National Bank .....	Malvern .....	Arkansas.
Citizens National Bank .....	Nashville .....	Arkansas.
Merchants and Planters Bank .....	Newport .....	Arkansas.
Bank of Pocahontas .....	Pocahontas .....	Arkansas.
The Cottonport Bank .....	Cottonport .....	Louisiana.
Kaplan State Bank .....	Kaplan .....	Louisiana.
Sabine State Bank and Trust Company .....	Many .....	Louisiana.
Exchange Bank and Trust Company .....	Natchitoches .....	Louisiana.
Liberty Bank and Trust Company .....	New Orleans .....	Louisiana.
Sicily Island State Bank .....	Sicily Island .....	Louisiana.
St. Martin Bank and Trust Company .....	St. Martinville .....	Louisiana.
Concordia Bank & Trust Company .....	Vidalia .....	Louisiana.
The Evangeline Bank & Trust Company .....	Ville Platte .....	Louisiana.
Progressive Bank .....	Winnsboro .....	Louisiana.
First Security Bank .....	Batesville .....	Mississippi.
Peoples Bank of Franklin County .....	Bude .....	Mississippi.
Bank of the South .....	Crystal Springs .....	Mississippi.
Community Bank of Mississippi .....	Forest .....	Mississippi.
Community Bank, Indianola .....	Indianola .....	Mississippi.
Community Bank .....	Laurel .....	Mississippi.
Century Bank .....	Lucedale .....	Mississippi.
The Commercial Bank .....	Meridian .....	Mississippi.
Great Southern National Bank .....	Meridian .....	Mississippi.
Newton County Bank .....	Newton .....	Mississippi.
First National Bank of Oxford .....	Oxford .....	Mississippi.
The Citizens Bank of Philadelphia .....	Philadelphia .....	Mississippi.
The Peoples Bank & Trust Company .....	Tupelo .....	Mississippi.
The Bank of Belen .....	Belen .....	New Mexico.
The Carlsbad National Bank .....	Carlsbad .....	New Mexico.
Western Bank of Lordsburg .....	Lordsburg .....	New Mexico.
Community Bank .....	Santa Fe .....	New Mexico.
Peoples Bank .....	Taos .....	New Mexico.
Centinel Bank of Taos .....	Taos .....	New Mexico.
Amarillo National Bank .....	Amarillo .....	Texas.
First National Bank of Bastrop .....	Bastrop .....	Texas.
Community Bank and Trust, SSB .....	Beaumont .....	Texas.
Citizens State Bank .....	Buffalo .....	Texas.
First Community Bank .....	Corpus Christi .....	Texas.
National Bank of Daingerfield .....	Daingerfield .....	Texas.
Town North National Bank .....	Dallas .....	Texas.
First National Bank .....	Edinburg .....	Texas.
First National Bank .....	Fabens .....	Texas.
First National Bank .....	Fairfield .....	Texas.
First National Bank in Graham .....	Graham .....	Texas.
The First State Bank .....	Granger .....	Texas.
Prosperity Bank .....	Houston .....	Texas.
First Community Credit Union .....	Houston .....	Texas.
First National Bank of Huntsville .....	Huntsville .....	Texas.
The Laredo National Bank .....	Laredo .....	Texas.
First State Bank of Livingston .....	Livingston .....	Texas.
The First National Bank of Livingston .....	Livingston .....	Texas.
Franklin National Bank .....	Mt. Vernon .....	Texas.
First State Bank .....	New Braunfels .....	Texas.

Member	City	State
Commercial National Bank .....	Texarkana .....	Texas.
Texline State Bank .....	Texline .....	Texas.
Randolph-Brooks Federal Credit Union .....	Universal City .....	Texas.
American Bank, N.A. ....	Waco .....	Texas.
Union Square Federal Credit Union .....	Wichita Falls .....	Texas.

## Federal Home Loan Bank of Topeka—District 10

FirstBank of Arvada .....	Arvada .....	Colorado.
FirstBank of Aurora .....	Aurora .....	Colorado.
FirstBank of Douglas County .....	Castle Rock .....	Colorado.
Western National Bank of Colorado .....	Colorado Springs .....	Colorado.
FirstBank of Lakewood .....	Lakewood .....	Colorado.
FirstBank of Littleton .....	Littleton .....	Colorado.
Olathe State Bank .....	Olathe .....	Colorado.
FirstBank of Silverthorne .....	Silverthorne .....	Colorado.
The First National Bank of Strasburg .....	Strasburg .....	Colorado.
First National Bank .....	Telluride .....	Colorado.
WestStar Bank .....	Vail .....	Colorado.
FirstBank of Wheat Ridge .....	Wheat Ridge .....	Colorado.
First National Bank of Yuma .....	Yuma .....	Colorado.
The First State Bank of Burlingame .....	Burlingame .....	Kansas.
The Farmers State Bank .....	Circleville .....	Kansas.
Emporia State and Trust Company .....	Emporia .....	Kansas.
Home State Bank .....	Erie .....	Kansas.
Union State Bank .....	Everest .....	Kansas.
Emprise Bank .....	Hillsboro .....	Kansas.
First Community Bank .....	Kansas City .....	Kansas.
First National Bank & Trust Co. in Larned .....	Larned .....	Kansas.
Gold Bank .....	Leawood .....	Kansas.
The Bank .....	Oberlin .....	Kansas.
First State Bank and Trust .....	Tonganoxie .....	Kansas.
Capital City Bank .....	Topeka .....	Kansas.
Commerce Bank and Trust .....	Topeka .....	Kansas.
Security Benefit Life Insurance Company .....	Topeka .....	Kansas.
Wellsville Bank .....	Wellsville .....	Kansas.
Boeing Wichita Credit Union .....	Wichita .....	Kansas.
First National Bank & Trust Company .....	Beatrice .....	Nebraska.
Exchange Bank .....	Gibbon .....	Nebraska.
First State Bank .....	Gothenburg .....	Nebraska.
Bank of Nebraska .....	La Vista .....	Nebraska.
West Gate Bank .....	Lincoln .....	Nebraska.
Home State Bank .....	Louisville .....	Nebraska.
Bank of Mead .....	Mead .....	Nebraska.
Farmers & Merchants Bank .....	Milford .....	Nebraska.
Wells Fargo Bank Nebraska. ....	Omaha .....	Nebraska.
First State Bank .....	Scottsbluff .....	Nebraska.
The Cattle National Bank .....	Seward .....	Nebraska.
First National Bank of Unadilla .....	Unadilla .....	Nebraska.
The First National Bank of Valentine .....	Valentine .....	Nebraska.
Charter West National Bank .....	West Point .....	Nebraska.
Winside State Bank .....	Winside .....	Nebraska.
AmeriState Bank .....	Atoka .....	Oklahoma.
The First National Bank of Chelsea .....	Chelsea .....	Oklahoma.
Alfalfa County Bank .....	Cherokee .....	Oklahoma.
First Commercial Bank .....	Edmond .....	Oklahoma.
Grand Federal Savings Bank .....	Grove .....	Oklahoma.
American Fidelity Assurance .....	Oklahoma City .....	Oklahoma.
Weokie Credit Union .....	Oklahoma City .....	Oklahoma.
First National Bank & Trust Co. of Weatherford .....	Weatherford .....	Oklahoma.
First National Bank in Wewoka .....	Wewoka .....	Oklahoma.

## Federal Home Loan Bank of San Francisco—District 11

Salt River Project Credit Union .....	Phoenix .....	Arizona.
Omni Bank, N.A. ....	Alhambra .....	California.
Western Sierra Bank .....	Cameron Park .....	California.
Bay Federal Credit Union .....	Capitola .....	California.
Privest Bank .....	Costa Mesa .....	California.
First Coastal Bank, N.A. ....	El Segundo .....	California.
Lake Community Bank .....	Lakeport .....	California.
Farmers & Merchants Bank of Central California. ....	Lodi .....	California.
Nara Bank, National Association .....	Los Angeles .....	California.
Wilshire State Bank .....	Los Angeles .....	California.

Member	City	State
Center Bank .....	Los Angeles .....	California.
County Bank .....	Merced .....	California.
Bank of Madera County .....	Oakhurst .....	California.
Coast Commercial Bank .....	Palo Alto .....	California.
Bay Area Bank .....	Palo Alto .....	California.
Valley Community Bank .....	Pleasanton .....	California.
Central Sierra Bank .....	San Andreas .....	California.
Sequoia National Bank .....	San Francisco .....	California.
Alliance Credit Union .....	San Jose .....	California.
Silver State Bank .....	Henderson .....	Nevada.
Security State Savings Bank .....	Las Vegas .....	Nevada.
Silver State Schools Family Credit Union .....	Las Vegas .....	Nevada.

## Federal Home Loan Bank of Seattle—District 12

Honolulu City & County Employees FCU .....	Honolulu .....	Hawaii.
Valley Bank of Belgrade .....	Belgrade .....	Montana.
Rocky Mountain Bank .....	Billings .....	Montana.
Native American National Bank .....	Browning .....	Montana.
Mountain West Bank .....	Helena .....	Montana.
Three Rivers Bank of Montana .....	Kalispell .....	Montana.
First National Bank of Lewistown .....	Lewistown .....	Montana.
Bitterroot Valley Bank .....	Lolo .....	Montana.
Missoula Federal Credit Union .....	Missoula .....	Montana.
Ronan State Bank .....	Ronan .....	Montana.
Western Bank of Wolf Point .....	Wolf Point .....	Montana.
Klamath First FS & LA .....	Klamath Falls .....	Oregon.
Rogue Federal Credit Union .....	Medford .....	Oregon.
First National Bank of Layton .....	Layton .....	Utah.
Capital Community Bank .....	Orem .....	Utah.
Deseret First Credit Union .....	Salt Lake City .....	Utah.
Anchor Savings Bank .....	Aberdeen .....	Washington.
The Bank of The Pacific .....	Aberdeen .....	Washington.
Bank NorthWest .....	Bellingham .....	Washington.
Whatcom Educational Credit Union .....	Bellingham .....	Washington.
Security State Bank .....	Centralia .....	Washington.
North Cascades National Bank .....	Chelan .....	Washington.
Bank of Whitman .....	Colfax .....	Washington.
Islanders Bank .....	Friday Harbor .....	Washington.
Community First Bank .....	Kennewick .....	Washington.
Washington's Credit Union .....	Mountlake Terrace .....	Washington.
NorthStar Bank .....	Seattle .....	Washington.
Sound Community Bank .....	Seattle .....	Washington.
Yakima Valley Credit Union .....	Yakima .....	Washington.
Yakima National Bank .....	Yakima .....	Washington.
First National Bank of Wyoming .....	Laramie .....	Wyoming.
Bank of Lovell .....	Lovell .....	Wyoming.
The Rawlins National Bank .....	Rawlins .....	Wyoming.
First State Bank .....	Wheatland .....	Wyoming.

## II. Public Comments

To encourage the submission of public comments on the community support performance of Bank members, on or before July 28, 2003, each Bank will notify its Advisory Council and nonprofit housing developers, community groups, and other interested parties in its district of the members selected for community support review in the 2002–03 sixth quarter review cycle. 12 CFR 944.2(b)(2)(ii). In reviewing a member for community support compliance, the Finance Board will consider any public comments it has received concerning the member. 12 CFR 944.2(d). To ensure consideration by the Finance Board, comments concerning the community support

performance of members selected for the 2002–03 sixth quarter review cycle must be delivered to the Finance Board on or before the August 25, 2003 deadline for submission of Community Support Statements.

Dated: July 2, 2003.

**Arnold Intrater,**

*General Counsel.*

[FR Doc. 03–17214 Filed 7–11–03; 8:45 am]

**BILLING CODE 6725–01–P**

## FEDERAL RESERVE SYSTEM

## Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at [www.ffiec.gov/nic/](http://www.ffiec.gov/nic/).

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than August 7, 2003.

**A. Federal Reserve Bank of Atlanta** (Sue Costello, Vice President) 1000 Peachtree Street, N.E., Atlanta, Georgia 30309-4470:

1. *Red River Bancshares, Inc.*, Alexandria, Louisiana; to acquire 100 percent of the voting shares of Bank of Lecompte, Lecompte, Louisiana.

2. *Liberty Shares, Inc.*, Hinesville, Georgia; to acquire 100 percent of the voting shares of Cumberland National Bank, Saint Marys, Georgia.

**B. Federal Reserve Bank of San Francisco** (Tracy Basinger, Director, Regional and Community Bank Group) 101 Market Street, San Francisco, California 94105-1579:

1. *Cathay Bancorp, Inc.*, Los Angeles, California; to merge with GBC Bancorp, Los Angeles, California, and thereby indirectly acquires its wholly-owned subsidiary, General Bank, Los Angeles, California.

Board of Governors of the Federal Reserve System, July 8, 2003.

**Robert deV. Frierson,**

*Deputy Secretary of the Board.*

[FR Doc. 03-17671 Filed 7-11-03; 8:45 am]

BILLING CODE 6210-01-S

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

#### Disease, Disability, and Injury Prevention and Control; Special Emphasis Panel: Centers for Agricultural Disease and Injury Research, Education, and Prevention, Request for Applications OH-03-002

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control and Prevention (CDC) announces the following meeting:

*Name:* Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Centers for Agricultural Disease and Injury Research, Education, and Prevention, Request for Applications OH-03-002.

*Times and Dates:* 8:30 a.m.-9 a.m., August 5, 2003 (Open), 9 a.m.-5:30 p.m., August 5, 2003 (Closed), 8:30 a.m.-5:30 p.m., August 6, 2003 (Closed), 8:30 a.m.-5:30 p.m., August 7, 2003 (Closed), 8:30 a.m.-5:30 p.m., August 8, 2003 (Closed).

*Place:* Embassy Suites, 1900 Diagonal Road, Alexandria, VA 22314, Telephone (703) 684-5900.

*Status:* Portions of the meeting will be closed to the public in accordance with provisions set forth in section 552b(c) (4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92-463.

*Matters to be Discussed:* The meeting will include the review, discussion, and evaluation of applications received in response to Request for Applications OH-03-002.

#### FOR FURTHER INFORMATION CONTACT:

Gwendolyn H. Cattledge, M.S.E.H., Ph.D., Scientific Review Administrator, Office of Extramural Programs, National Institute for Occupational Safety and Health, CDC, 1600 Clifton Road, NE, MS-E74, Atlanta, GA 30333, Telephone (404) 498-2508.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both CDC and the Agency for Toxic Substances and Disease Registry.

Dated: July 8, 2003.

**Diane C. Allen,**

*Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.*

[FR Doc. 03-17699 Filed 7-11-03; 8:45 am]

BILLING CODE 4163-19-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

#### Disease, Disability, and Injury Prevention and Control; Special Emphasis Panel: Community Partners for Healthy Farming Intervention, Request for Applications OH-03-004

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), the Centers for Disease Control and Prevention (CDC) announces the following meeting:

*Name:* Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Community Partners for Healthy Farming Intervention, Request for Applications OH-03-004.

*Times and Dates:* 9 a.m.-9:30 a.m., July 30, 2003 (Open), 9:30 a.m.-5:30 p.m., July 30, 2003 (Closed), 9 a.m.-5:30 p.m., July 31, 2003 (Closed).

*Place:* Sheraton Boston Hotel, 38 Dalton Street, Boston, MA 02199, Telephone 800-325-3535.

*Status:* Portions of the meeting will be closed to the public in accordance with provisions set forth in section 552b(c) (4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92-463.

*Matters to be Discussed:* The meeting will include the review, discussion, and evaluation of applications received in response to Request For Applications OH-03-004.

#### FOR FURTHER INFORMATION CONTACT:

Gwendolyn H. Cattledge, M.S.E.H., Ph.D., Scientific Review Administrator, Office of Extramural Programs, National Institute for Occupational Safety and Health, CDC, 1600 Clifton Road, NE, MS-E74, Atlanta, GA 30333, Telephone (404) 498-2508.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both CDC

and the Agency for Toxic Substances and Disease Registry.

**Diane C. Allen,**

*Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.*

[FR Doc. 03-17700 Filed 7-11-03; 8:45 am]

**BILLING CODE 4163-19-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

#### Submission for OMB Review; Comment Request

*Title:* Child Care Report for High Performance Bonus.

*OMB No.:* New Collection.

*Description:* The Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Pub. L. 104-193, established the Temporary Assistance for Needy Families (TANF)

program under title IV-A of the Social Security Act (the Act), 42 U.S.C. 401 et seq. Section 403(a)(4) of the Act requires the Secretary to award bonuses to "high performing States". (Indian tribes are not eligible for these bonuses.) The term "high performing State" is defined in section 403(a)(4) of the Act to mean a State that is most successful in achieving the purposes of the TANF program as specified in section 401(a) of the Act.

The final rule covering the TANF high performance bonuses to States in FY 2002 and beyond was published August 30, 2000 (65 FR 52814) followed by an interim final rule published May 10, 2001 (66 FR 23854). The final and interim final rules set forth how CCB will compute scores and rank States on the three components, i.e., Accessibility, Affordability, and Quality, that comprise the child care measure.

In FY 2002, CCB will measure State performance based upon a composite ranking of the Accessibility and Affordability components. No

additional reporting burden will be required since the data/information for the Accessibility and Affordability components are currently reported under the CCDF program (ACF Reports 800 and 801). However, there will be a reporting burden (related to the Quality component) for the information States must submit if they wish to compete on the child care measure in FY 2003. The information includes:

(1) All age-specific rates for children 0-13 years of age reported by the child day care centers and family day care homes responding to the State's market rate survey; and

(2) The provider's county or, if the State uses multi-county regions to measure market rates or set maximum payment rates, the administrative region.

*Respondents:* States, the District of Columbia, and Territories including Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Northern Mariana Islands.

#### ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
ACF-900 .....	56	0.5	40	1,120
Estimated Total Annual Burden Hours .....	.....	.....	.....	1,120

#### *Additional Information:*

Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. E-mail address: [rsargis@acf.hhs.gov](mailto:rsargis@acf.hhs.gov).

#### *OMB Comment:*

OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Attn: Desk Officer for ACF, E-mail address: [lauren\\_wittenberg@omb.eop.gov](mailto:lauren_wittenberg@omb.eop.gov).

Dated: July 7, 2003.

**Robert Sargis,**

*Reports Clearance Officer.*

[FR Doc. 03-17740 Filed 7-11-03; 8:45 am]

**BILLING CODE 4184-01-M**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

#### Submission for OMB Review; Comment Request

*Title:* National Child Abuse and Neglect Data System.

*OMB No.:* 0980-0229.

*Description:* The Child Abuse and Treatment Act [42 U.S.C. 5101 et seq.] as amended requires States that receive the CAPTA State Child Abuse and Neglect Grant "to annually work with the Secretary to provide, to the maximum extent practicable, a report" that includes the 12 data items listed in

the statute. The National Child Abuse and Neglect Data System (NCANDS), administered by the Children's Bureau, meets this reporting requirement. In addition the amendments of 1988 requires that the data system "shall be universal and case specific and integrated with other case-based foster care and adoption data collected by the Secretary." The Child File, the primary component of the National Child Abuse and Neglect Data System (NCANDS) is being updated to increase its compatibility with the Adoption and Foster Care Analysis and Reporting System (AFCARS) and to increase the detail of information that can be collected on a number of data items. The Summary Data Component is not being changed. The Summary Data Component will be phased out over the next few years, as the number of States that can complete the Child File increases.

*Respondents:* State Child Welfare Agencies.

## ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Child File (includes Agency File) .....	52	1	113	5876
SDC .....	6	1	32	192
Estimated Total Annual Burden Hours: .....	.....	.....	.....	6068

*Additional Information:* Copies of the proposed collection may be obtained by writing to The Administration for Children and Families, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. E-mail address: [rsargis@acf.hhs.gov](mailto:rsargis@acf.hhs.gov)

*OMB Comment:* OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Washington, DC, Attn: Desk Officer for ACF, E-mail: [lauren\\_wittenburg@omb.eop.gov](mailto:lauren_wittenburg@omb.eop.gov).

Dated: July 7, 2003.

**Robert Sargis,**

*Reports Clearance Officer.*

[FR Doc. 03-17741 Filed 7-11-03; 8:45 am]

**BILLING CODE 4184-01-M**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

#### Submission for OMB Review; Comment Request

*Title:* Title IV-E Foster Care Eligibility Reviews, Child and Family Services Reviews, and section 471(a)(18) Compliance Reviews.

*OMB No.:* 0970-0214.

*Description:* ACF is seeking re-authorization of the monitoring protocols for the child and family service reviews, re-authorization of the tools needed to assess title IV-E eligibility and payment accuracy, and re-authorization of the corrective action plan regarding removal of barriers to interethnic adoption.

Section 1123A of the Social Security Act (the Act) and regulations at 45 CFR 1355.31 through 1355.37 govern the child and family service reviews (CFSR). Three information collections are associated with the CFSR: A statewide assessment, an on-site review,

and a program improvement plan. The purpose of the CFSR is to help States improve services and outcomes for children and families.

Section 471(a)(7) of the Act and 45 CFR 1356.71 govern the Federal reviews of State compliance with title IV-E eligibility provisions at 472(a) and (b) of the Act as they apply to children and foster care providers. There is one information collection associated with the IV-E eligibility reviews: a program improvement plan.

Section 471(a)(18) of the Act and 45 CFR 1355.38(b) and (c) prohibit the delay or denial of foster or adoptive placements based on the race, color, or national origin of any of the individuals involved. The enforcement provisions require the completion of corrective action plans when a State is in violation of the Multiethnic Placement Act (MEPA), as amended.

*Respondents:* States.

## ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
1355.33(b) Statewide Assessment .....	11	1	240	2,640
1355.33(c) On-site Review .....	11	1	900	9,900
1355.35(a) Program Improvement Plan .....	11	1	80	880
1356.71(i) Program Improvement Plan .....	4	1	63	252
1355.38(b) and (c) Corrective Action Plan .....	5	1	80	400
Estimated Total Annual Burden Hours: .....	.....	.....	.....	14,072

*Additional Information:* Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. E-mail address: [rsargis@acf.hhs.gov](mailto:rsargis@acf.hhs.gov).

*OMB Comment:* OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork

Reduction Project, Washington, DC, Attn: Desk Officer for ACF, E-mail address: [lauren\\_wittenburg@eop.gov](mailto:lauren_wittenburg@eop.gov).

Dated: July 7, 2003.

**Robert Sargis,**

*Reports Clearance Officer.*

[FR Doc. 03-17742 Filed 7-11-03; 8:45 am]

**BILLING CODE 4184-01-M**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. 2003D-0290]

#### Compounding of Drugs for Use in Animals Compliance Policy Guide; Availability

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration is announcing the availability of a compliance policy guide (CPG) for FDA staff and industry entitled "Sec. 608.400 - Compounding of Drugs for Use in Animals," which provides guidance on how FDA intends to address compounding of animal drugs.

**DATES:** Submit written or electronic comments at any time.

**ADDRESSES:** Submit written requests for single copies of this guidance to the Director, Division of Compliance Policy (HFC-230), Office of Enforcement, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. Send one self-addressed adhesive label to assist that office in processing your request or fax your request to 301-827-0482. Submit written comments on the CPG to the Division of Dockets Management (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to <http://www.fda.gov/dockets/ecomments>. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the document.

**FOR FURTHER INFORMATION CONTACT:** Neal Bataller, Center for Veterinary Medicine (HFV-230), Food and Drug Administration, 7500 Standish Pl., rm. E441, Rockville, MD 20855, 301-827-0163, e-mail: [nbatalle@cvm.fda.gov](mailto:nbatalle@cvm.fda.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

On July 3, 1996, FDA issued a CPG section 608.400 "Compounding of Drugs for Use in Animals," which provided guidance to FDA's field and headquarters staff with regard to the compounding of drugs for use in animals by veterinarians and pharmacists. It described the factors FDA intended to consider in exercising its enforcement discretion regarding the illegal compounding of drugs intended for use in animals.

FDA is updating this CPG to ensure that its enforcement policy regarding the compounding of drugs intended for use in animals is consistent, to the extent

practicable, with its enforcement policy regarding the compounding of drugs intended for use in humans. FDA issued the latter enforcement policy entitled "Pharmacy Compounding Compliance Policy Guide" that published in the **Federal Register** of June 7, 2002 (67 FR 39409). FDA issued this CPG after the U.S. Supreme Court ruled that a statutory provision governing the compounding of drugs intended for human use was unconstitutional. Because of that court decision, FDA determined that it needed to issue guidance to the compounding industry on what types of compounding might be subject to enforcement action under current law. The guidance was based in part on an earlier CPG.

In addition to ensuring that its policies regarding the compounding of drugs intended for use in humans and animals are consistent, FDA is revising its previous animal drug compounding CPG to ensure it is consistent with the current animal drug compounding regulations, which are codified at 21 CFR part 530.

##### II. Significance of Guidance

This compliance policy guidance is being issued as a level 1 guidance consistent with FDA's good guidance practices (GGPs) regulation in § 10.115 (21 CFR 10.115). It is being implemented immediately without prior public comment, under § 10.115(g)(2), because of the agency's urgent need to explain how, in light of the recent court decision and revised policy regarding drugs for human use, it intends to exercise its enforcement discretion regarding compounded drugs for animal use. However, under GGPs, FDA requests comments on the guidance and will revise the document, if appropriate. Comments will be considered by the agency in the development of future policy.

This compliance policy guidance represents the agency's current thinking on the enforcement of the act with regard to drug products compounded for use in animals. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the applicable statutes and regulations.

##### III. Comments

Interested persons may submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic comments on the CPG at any time. Two paper copies of any mailed comments are to be submitted, except that individuals may submit one paper copy. Comments are to be identified with the

docket number found in brackets in the heading of this document. A copy of the CPG and received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

##### IV. Electronic Access

Persons with access to the Internet may obtain copies of the CPG at FDA's Office of Regulatory Affairs Web site at <http://www.fda.gov/ora> under "Compliance References."

Dated: July 8, 2003.

**John M. Taylor,**

*Associate Commissioner for Regulatory Affairs.*

[FR Doc. 03-17758 Filed 7-11-03; 8:45 am]

**BILLING CODE 4160-01-S**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Heart, Lung, and Blood Institute; Proposed Collection; Comment Request, the Atherosclerosis Risk in Communities Study (ARIC)

**SUMMARY:** In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed data collection projects, the National Heart, Lung, and Blood Institute (NHLBI), the National Institutes of Health (NIH) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

##### Proposed Collection

**Title:** The Atherosclerosis Risk in Communities Study (ARIC). **Type of Information Collection Request:** Revision of a currently approved collection (OMB No. 0925-0281). **Need and Use of Information Collection:** This project involves annual follow-up by telephone of participants in the ARIC study, review of their medical records, and interviews with doctors and family to identify disease occurrence. Interviewers will contact doctors and hospitals to ascertain participants' cardiovascular events. Information gathered will be used to further describe the risk factors, occurrence rates, and consequences of cardiovascular disease in middle aged and older men and women. **Frequency of Response:** The participants will be contacted annually. **Affected Public:** Individuals or households; Businesses or other for profit; Small businesses or

organizations. *Type of Respondents:* Individuals or households; doctors and staff of hospitals and nursing homes.

The annual reporting burden is as follows: *Estimated Number of Respondents:* 15,113; *Estimated Number*

*of Responses per Respondent:* 1.0; *Average Burden Hours Per Response:* 0.2479; and *Estimated Total Annual Burden Hours Requested:* 3,746. The annualized cost to respondents is estimated at \$41,453, assuming

respondents time at the rate of \$10 per hour and physician time at the rate of \$75 per hour. There are no Capital Costs to report. There are no Operating or Maintenance Costs to report.

#### ESTIMATE OF ANNUAL HOUR BURDEN

Type of Response	Number of respondents	Frequency of response	Average time per response	Annual hour burden
Participant Follow-up .....	14,488	1.0	0.2500	3,622
Physician, hospital, nursing home staff <sup>1</sup> .....	245	1.0	0.2500	61
Participant's next-of-kin <sup>1</sup> .....	380	1.0	0.1667	63
<b>Total</b> .....	<b>15,113</b>	<b>1.0</b>	<b>0.2479</b>	<b>3,746</b>

<sup>1</sup> Annual burden is placed on doctors, hospitals, nursing homes, and respondents relatives/informants through requests for information which will help in the compilation of the number and nature of new fatal and nonfatal events.

#### Request for Comments

Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

**FOR FURTHER INFORMATION CONTACT:** To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact Dr. Paul Sorlie, Project Officer, National Institutes of Health, NHLBI, 6701 Rockledge Drive, MSC 7934, Bethesda, MD 20892-7934, or call non-toll-free number (301) 435-0456 or e-mail your request, including your address to: [SorlieP@nhlbi.nih.gov](mailto:SorlieP@nhlbi.nih.gov).

#### Comments Due Date

Comments regarding this information collection are best assured of having their full effect if received within 60 days of the date of publication.

Dated: July 3, 2003.

**Peter Savage,**

*Director, Division of Epidemiology and Clinical Applications.*

[FR Doc. 03-17649 Filed 7-11-03; 8:45 am]

BILLING CODE 4140-01-M

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### National Institutes of Health

##### National Eye Institute; Notice of Closed Meeting

Pursuant to section 10(d) to the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Eye Institute Special Emphasis Panel, PEDIG.

*Date:* July 23, 2003.

*Time:* 1 p.m. to 2 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6120 Executive Blvd., Rockville, MD 20852 (Telephone Conference Call).

*Contact Person:* Jeanette M. Hosseini, PhD, Scientific Review Administrator, Division of Extramural Research, National Eye Institute, Bethesda, MD, 20892, (301) 451-2020.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.867, Vision Research, National Institutes of Health, HHS)

Dated: July 7, 2003.

**Anna Snouffer,**

*Acting Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 03-17643 Filed 7-11-03; 8:45 am]

BILLING CODE 4140-01-M

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### National Institutes of Health

##### National Institute of Dental & Craniofacial Research; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Dental and Craniofacial Research Special Emphasis Panel, 03-78, Review of R13s

*Date:* August 7, 2003.

*Time:* 10 a.m. to 12:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Natcher Building, 45 Center Drive, Bethesda, MD 20892 (Telephone Conference Call).

*Contact Person:* H. George Hausch, PhD, Acting Director, 4500 Center Drive, Natcher Building, Rm. 4AN44F, National Institutes of Health, Bethesda, MD 20892, (301) 594-2372, [george\\_hausch@nih.gov](mailto:george_hausch@nih.gov).



*Name of Committee:* National Institute of Dental and Craniofacial Research Special Emphasis Panel, 03–77, Review of R13s

*Date:* August 7, 2003.

*Time:* 1 p.m. to 3 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Natcher Building, 45 Center Drive, Bethesda, MD 20892 (Telephone Conference Call).

*Contact Person:* H. George Hausch, PhD, Acting Director, 4500 Center Drive, Natcher Building, Rm. 4AN44F, National Institutes of Health, Bethesda, MD 20892, (301) 594–2372, [george\\_hausch@nih.gov](mailto:george_hausch@nih.gov).

*Name of Committee:* National Institute of Dental and Craniofacial Research Special Emphasis Panel, 03–75, Review of R01s

*Date:* August 20, 2003.

*Time:* 2 p.m. to 4 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Natcher Building, 45 Center Drive, Bethesda, MD 20892 (Telephone Conference Call).

*Contact Person:* H. George Hausch, PhD, Acting Director, 4500 Center Drive, Natcher Building, Rm. 4AN44F, National Institutes of Health, Bethesda, MD 20892, (301) 594–2372, [george\\_hausch@nih.gov](mailto:george_hausch@nih.gov).

*Name of Committee:* National Institute of Dental and Craniofacial Research Special Emphasis Panel, 03–80, Review of R13s

*Date:* August 27, 2003.

*Time:* 1 p.m. to 3 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Natcher Building, 45 Center Drive, Bethesda, MD 20892 (Telephone Conference Call).

*Contact Person:* H. George Hausch, PhD, Acting Director, 4500 Center Drive, Natcher Building, Rm. 4AN44F, National Institutes of Health, Bethesda, MD 20892, (301) 594–2372, [george\\_hausch@nih.gov](mailto:george_hausch@nih.gov).

*Name of Committee:* National Institute of Dental and Craniofacial Research Special Emphasis Panel, 04–02, Review Oral Health Research Curriculum Grants.

*Date:* October 16, 2003.

*Time:* 1 p.m. to 3 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Natcher Building, 45 Center Drive, Bethesda, MD 20892 (Telephone Conference Call).

*Contact Person:* Philip Washko, PhD, DMD, Scientific Review Administrator, 45 Center Drive, Natcher Building, Rm. 4AN44F, National Institutes of Health, Bethesda, MD 20892, (301) 594–2372.

(Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: July 7, 2003.

**Anna Snouffer,**

*Acting Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 03–17642 Filed 7–11–03; 8:45 am]

**BILLING CODE 4140–01–M**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Environmental Health Sciences; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Environmental Health Sciences Special Emphasis Panel Review of Conference Applications (R13s).

*Date:* August 20, 2003.

*Time:* 1 p.m. to 2 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* NIEHS/National Institutes of Health, Building 4401, East Campus, 79 T.W. Alexander Drive, EC–122, Research Triangle Park, NC 27709, (Telephone Conference Call).

*Contact Person:* RoseAnne M. McGee, Associate Scientific Review Administrator, Scientific Review Branch, Office of Program Operations, Division of Extramural Research and Training, Nat. Inst. of Environmental Health Sciences, PO Box 12233, MD EC–30, Research Triangle Park, NC 27709, (919) 541–0752.

*Name of Committee:* National Institute of Environmental Health Sciences Special Emphasis Panel Review of Conference Applications (R13s).

*Date:* August 21, 2003.

*Time:* 2 p.m. to 3 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* NIEHS/National Institutes of Health, Building 4401, East Campus, 79 T.W. Alexander Drive, 122, Research Triangle Park, NC 27709, (Telephone Conference Call).

*Contact Person:* RoseAnne M. McGee, Associate Scientific Review Administrator, Scientific Review Branch, Office of Program Operations, Division of Extramural Research and Training, Nat. Inst. of Environmental Health Sciences, PO Box 12233, MD EC–30, Research Triangle Park, NC 27709, (919) 541–0752.

*Name of Committee:* National Institute of Environmental Health Sciences Special

Emphasis Panel, Literature Search and Summary Report for the Environmental Toxicology Program, (RFP–NIH–ES–03–16),

*Date:* August 28–29, 2003.

*Time:* 8:30 a.m. to 2 p.m.

*Agenda:* To review and evaluate contract proposals.

*Place:* NIEHS/National Institutes of Health, Building 4401, East Campus, 79 T.W. Alexander Drive, 122, Research Triangle Park, NC 27709, (Telephone Conference Call).

*Contact Person:* RoseAnne M. McGee, Associate Scientific Review Administrator, Scientific Review Branch, Office of Program Operations, Division of Extramural Research and Training, Nat. Inst. of Environmental Health Sciences, PO Box 12233, MD EC–30, Research Triangle Park, NC 27709, (919) 541–0752.

(Catalogue of Federal Domestic Assistance Program Nos. 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences; 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing, National Institutes of Health, HHS)

Dated: July 7, 2003.

**LaVerne Y. Stringfield,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 03–17644 Filed 7–11–03; 8:45 am]

**BILLING CODE 4140–01–M**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Child Health and Human Development Special Emphasis Panel Extramural Associates Research Development Award.

*Date:* July 31–August 1, 2003.

*Time:* 9 a.m. to 5 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, NW., Washington, DC 20015.

*Contact Person:* Rita Anand, PhD, Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, NIH, 9000 Rockville Pike, MSC 7510, 6100 Building, Room 5B01, Bethesda, MD 20892, (301) 496-1487, [anandr@mail.nih.gov](mailto:anandr@mail.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

*Dated:* July 3, 2003.

**LaVerne Y. Stringfield,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 03-17645 Filed 7-11-03; 8:45 am]

**BILLING CODE 4140-01-M**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Child Health and Human Development Special Emphasis Panel Dynamic Health Assessments.

*Date:* July 31–August 1, 2003.

*Time:* 8 a.m. to 12 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Hamilton Crowne Plaza, 14th & K Street, NW., Washington, DC 20005.

*Contact Person:* Anne Krey, Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, National Institutes of Health, 6100 Executive Blvd., Rm. 5E03, Bethesda, MD 20892, (301) 435-6908.

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

*Dated:* July 3, 2003.

**LaVerne Y. Stringfield,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 03-17646 Filed 7-11-03; 8:45 am]

**BILLING CODE 4140-01-M**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Child Health and Human Development Special Emphasis Panel, Bioengineering.

*Date:* July 30, 2003.

*Time:* 1 p.m. to 4 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6100 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

*Contact Person:* Anne Krey, Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, National Institutes of Health, 6100 Executive Blvd., Rm. 5E03, Bethesda, MD 20892, 301-435-6908.

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

*Dated:* July 8, 2003.

**LaVerne Stringfield**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 03-17647 Filed 7-11-03; 8:45 am]

**BILLING CODE 4140-01-M**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Allergy and Infectious Diseases Special Emphasis Panel, Large Scale Antibody and T Cell Epitope Discovery Program.

*Date:* July 30–31, 2003.

*Time:* 8:30 a.m. to 5 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Latham Hotel, 3000 M Street, NW., Washington, DC 20007.

*Contact Person:* Roberta Binker, PhD, Scientific Review Administrator, Division of Extramural Activities, NIAID, 6700B Rockledge Drive, Rm 2155, Bethesda, MD 20892, 301-496-7966, [rb169n@nih.gov](mailto:rb169n@nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

*Dated:* July 3, 2003.

**LaVerne Y. Stringfield,**

*Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 03-17648 Filed 7-11-03; 8:45 am]

**BILLING CODE 4140-01-M**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Prospective Grant of Exclusive License: Methods and Devices for Intramuscular Stimulation of Upper Airway and Swallowing Muscle Groups

**AGENCY:** National Institutes of Health, Public Health Service, DHHS.

**ACTION:** Notice.

**SUMMARY:** This is notice, in accordance with 35 U.S.C. 209(c)(1) and 37 CFR

404.7(a)(1)(i), that the National Institutes of Health (NIH), Department of Health and Human Services, is contemplating the grant of an exclusive worldwide license to practice the invention embodied in: E-181-2002; U.S. Provisional Patent Application 60/413,773 entitled "Methods and Devices for Intramuscular Stimulation of Upper Airway and Swallowing Muscle Groups," to the Alfred Mann Foundation, a non-profit organization having a place of business in Valencia, California. The United States of America is an assignee to the patent rights of these inventions.

The contemplated exclusive license may be limited to the use of the Alfred Mann Foundation BION® system for treating dysphagia and dysphonia.

**DATES:** Only written comments and/or applications for a license which are received by the NIH Office of Technology Transfer on or before September 12, 2003 will be considered.

**ADDRESSES:** Requests for a copy of the patent application, inquiries, comments and other materials relating to the contemplated license should be directed to: Michael A. Shmilovich, J.D., Technology Licensing Specialist, Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, MD 20852-3804; Telephone: (301) 435-5019; Facsimile: (301) 402-0220; e-mail: [shmilovichm@od.nih.gov](mailto:shmilovichm@od.nih.gov). A signed Confidential Disclosure Agreement will be required to receive copies of the patent application.

**SUPPLEMENTARY INFORMATION:** The patent application covers devices and methods for intramuscular stimulation (stimulation of the geniohyoid, mylohyoid, and thyrohyoid muscles) in patients with neuromuscular disorders. The invention provides autonomous control of both hyolaryngeal elevations, anterior hyoid motion and opening of the upper esophageal sphincter for swallowing, vocalization and speech. Primarily, the technology allows self-stimulation of swallowing and can return oral feeding to dysphagia patients. Electrodes are attached to the appropriate musculature of the neck and an electrode stimulator or subcutaneous signal generator modulates electrostatic pulses through the electrodes that cause the attached muscles to contract simulating natural swallowing or vocalization depending on placement.

The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within 60 days from the date of this

published Notice, NIH receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Properly filed competing applications for a license filed in response to this notice will be treated as objections to the contemplated license. Comments and objections submitted in response to this notice will not be made available for public inspection, and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

Dated: July 7, 2003.

**Steven M. Ferguson,**

*Acting Director, Division of Technology development and Transfer, Office of Technology Transfer.*

[FR Doc. 03-17650 Filed 7-11-03; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Substance Abuse and Mental Health Services Administration

#### Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish a summary of information collection requests under OMB review, in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these documents, call the SAMHSA Reports Clearance Officer on (301) 443-7978.

The Family Treatment Drug Court Evaluation—New—The Substance Abuse and Mental Health Administration's (SAMHSA) Center for Substance Abuse Treatment (CSAT) will conduct an evaluation of Family Treatment Drug Courts. The Family Treatment Drug Court Evaluation will examine the effectiveness of family treatment drug courts in four settings: Suffolk County, New York; Washoe County, Nevada; San Diego County, California; and Santa Clara County, California. The study will employ a multi-method, quasi-experimental research design to investigate several key child welfare outcomes for family treatment drug courts as compared to traditional case processing, including whether the time to permanency for children is different in a family treatment drug court program than in traditional case processing.

In addition, the study will investigate rates of reunification and termination of parental rights; types, frequency, and

length of out-of-home placements; and child welfare recidivism. The study will investigate the key mediators of program success, including the effect of family treatment drug courts on treatment access, treatment completion, parent motivation, and family well-being, among other key mediators.

The project consists of an outcome evaluation that includes administrative data collection and client interviews with a sample of treatment and comparison participants. The target population for the family treatment drug court consists of substance abusing parents who have a current child abuse or neglect case. The outcome evaluation will document whether family treatment drug courts are more effective than traditional court settings in decreasing the time needed to reach permanent placements for children; increasing the frequency of successful parent-child reunifications and decreasing the frequency of terminations of parental rights; decreasing the time children spend in foster care; and reducing child welfare recidivism. An intent-to-treat sampling model will be used for the treatment groups at each site during a 2-year recruitment window. Comparison groups will be recruited in two of the four sites; no comparison group will be used in San Diego and Santa Clara because the counties have implemented a system-wide reform. Interview data will be sought from all persons included in the administrative datasets in Suffolk and Washoe Counties, and from a sample of individuals included in the San Diego and Santa Clara County administrative datasets.

Interview participants will take part in a baseline interview within one month of their dispositional hearing and three follow-up interviews. Follow-up One will take place six months later, Follow-Up Two will take place 12 months after baseline, and Follow-Up Three will take place 18 months after baseline. The interview tool will assess participants' perceptions of the services they are receiving and their interactions with the court, treatment, and child welfare systems; their understanding of what they need to do in order to be reunified with their children; and their feelings of empowerment and control over the process. Each interview will last approximately one hour. Administrative data, including child welfare and treatment data, will be collected up to 24 months after baseline to ascertain the type, frequency, and timeliness of services received and to capture the crucial child welfare outcomes of interest, including the timing and type of permanency plans for children, the length of time children

spend in foster care, and subsequent involvement in the child welfare system.

The following table summarizes response burden for this project. There will be fewer 18-month interviews due to the length of the study recruitment

window; only those individuals who enter the study in the first half of the recruitment window will have the full 18-month follow-up.

Instrument	Number of respondents	Responses per respondent	Burden per response (hrs)	Total burden hours
Initial telephone contact .....	596	1	0.17	101
Baseline .....	596	1	1.5	894
6-month follow-up .....	596	1	1	596
12-month follow-up .....	596	1	1	596
18-month follow-up .....	447	1	1	447
3-month tracking call .....	596	1	0.08	48
9-month tracking call .....	596	1	0.08	48
15-month tracking call .....	447	1	0.08	36
Quality assurance calls .....	110	1	0.17	19
Total .....	596	.....	.....	2,785
3 Year annual average .....	596	.....	.....	928

Written comments and recommendations concerning the proposed information collection should be sent within 30 days of this notice to: Allison Herron Eydt, Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503; due to potential delays in OMB's receipt and processing of mail sent through the U.S. Postal Service, respondents are encouraged to submit comments by fax to: 202-395-6974.

Dated: July 7, 2003.

**Anna Marsh,**

*Acting Executive Officer, SAMHSA.*

[FR Doc. 03-17698 Filed 7-11-03; 8:45 am]

**BILLING CODE 4162-20-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

[USCG-2003-15570]

### Chemical Transportation Advisory Committee; Vacancies

**AGENCY:** Coast Guard, DHS.

**ACTION:** Request for applications.

**SUMMARY:** The Coast Guard is seeking applications for appointment to membership on the Chemical Transportation Advisory Committee (CTAC). CTAC provides advice and makes recommendations to the Coast Guard on matters relating to the safe and secure transportation and handling of hazardous materials in bulk on U.S.-flag vessels in U.S. ports and waterways.

**DATES:** Application forms should reach the Coast Guard on or before October 31, 2003.

**ADDRESSES:** You may request an application form by writing to Commandant (G-MSO-3), U.S. Coast Guard, 2100 Second Street SW., Washington, DC 20593-0001; by calling (202) 267-1217/0081; or by faxing (202) 267-4570. Submit application forms to the same address. This notice and the application form are available on the Internet at <http://dms.dot.gov> in docket USCG-2003-15570. The application form is also available at <http://www.uscg.mil/hq/g-m/advisory/ctac/ctac.htm>.

#### FOR FURTHER INFORMATION CONTACT:

Commander Robert J. Hennessy, Executive Director of CTAC, or Ms. Sara S. Ju, Assistant to the Executive Director, telephone (202) 267-1217/0081, fax (202) 267-4570.

**SUPPLEMENTARY INFORMATION:** The Chemical Transportation Advisory Committee (CTAC) is a Federal advisory committee constituted under 5 U.S.C. App. 2 (Pub. L. 92-463, 86 Stat. 770). It provides advice and makes recommendations to the Commandant through the Assistant Commandant for Marine Safety, Security and Environmental Protection on matters relating to the safe and secure transportation and handling of hazardous materials in bulk on U.S.-flag vessels in U.S. ports and waterways. The advice and recommendations of CTAC also assist the U.S. Coast Guard in formulating the position of the United States on hazardous material transportation issues prior to meetings of the International Maritime Organization.

CTAC meets at least once a year at Coast Guard Headquarters in Washington, DC. It may meet more often than once a year as necessary. CTAC's subcommittees and working groups may meet to perform specific assignments as required.

We will consider applications received in response to this notice for eight positions that expire in December 2003. Applications should reach us by October 31, 2003, but we will consider applications received later if they arrive before we make our recommendations to the Secretary of Homeland Security. To be eligible, applicants should have experience in chemical manufacturing, vessel design and construction, marine transportation of chemicals, occupational safety and health, or marine environmental protection issues associated with chemical transportation. Each member serves for a term of 3 years. Some members may serve consecutive terms. All members serve at their own expense, and receive no salary, reimbursement of travel expenses, or other compensation from the Federal Government.

In support of the policy of the Department of Homeland Security on gender and ethnic diversity, the Coast Guard encourages applications from qualified women and members of minority groups.

Dated: July 8, 2003.

**Joseph J. Angelo,**

*Director of Standards, Marine Safety, Security and Environmental Protection.*

[FR Doc. 03-17725 Filed 7-11-03; 8:45 am]

**BILLING CODE 4910-15-P**

## DEPARTMENT OF HOMELAND SECURITY

### Bureau of Customs and Border Protection

#### Distribution of Continued Dumping and Subsidy Offset to Affected Domestic Producers

**AGENCY:** Customs and Border Protection, Department of Homeland Security.

**ACTION:** Notice of intent to distribute offset for Fiscal Year 2003.

**SUMMARY:** Pursuant to the Continued Dumping and Subsidy Offset Act of 2000, this document is Customs and Border Protection's (CBP) notice of intention to distribute assessed antidumping or countervailing duties (known as the continued dumping and subsidy offset) for Fiscal Year 2003 in connection with antidumping duty orders or findings or countervailing duty orders. This document sets forth the list of individual antidumping duty orders or findings and countervailing duty orders, together with the affected domestic producers associated with each order or finding who are potentially eligible to receive a distribution. This document also provides the instructions for affected domestic producers to file written certifications to claim a distribution in relation to the listed orders or findings.

**DATES:** Written certifications to obtain a continued dumping and subsidy offset under a particular order or finding must be received by September 12, 2003.

**ADDRESSES:** Written certifications should be addressed to: Assistant Commissioner, Office of Regulations and Rulings, U.S. Bureau of Customs and Border Protection, 1300 Pennsylvania Avenue, NW., Washington, DC 20229 (Attention: Ada Loo).

**FOR FURTHER INFORMATION CONTACT:** Ada Loo, Office of Regulations and Rulings, (202-572-8869) or LaToya Burley, Office of Regulations and Rulings, (202-572-8793).

#### SUPPLEMENTARY INFORMATION:

##### Background

The Continued Dumping and Subsidy Offset Act of 2000 (ACDSOA) was enacted on October 28, 2000, as part of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 ("Act"). The provisions of the CDSOA are contained in Title X (sections 1001-1003) of the Act.

The CDSOA, in section 1003 of the Act, amended Title VII of the Tariff Act of 1930, by adding a new section 754

(codified at 19 U.S.C. 1675c) in order to provide that assessed duties received pursuant to a countervailing duty order, an antidumping duty order, or an antidumping duty finding under the Antidumping Act of 1921, must be distributed to affected domestic producers for certain qualifying expenditures that these producers incur after the issuance of such an order or finding. The term "affected domestic producer" means any manufacturer, producer, farmer, rancher or worker representative (including associations of such persons) that—

(A) Was a petitioner or interested party in support of a petition with respect to which an antidumping order, a finding under the Antidumping Act of 1921, or a countervailing duty order has been entered, and

(B) Remains in operation.

The distribution that these parties may receive is known as the continued dumping and subsidy offset.

#### List of Orders or Findings and Affected Domestic Producers

It is the responsibility of the U.S. International Trade Commission (USITC) to ascertain and timely forward to the Bureau of Customs and Border Protection (CBP) a list of the affected domestic producers that are potentially eligible to receive an offset in connection with an order or finding.

To this end, it is noted that the USITC has supplied CBP with the list of individual antidumping and countervailing duty cases, and the affected domestic producers associated with each case that are potentially eligible to receive an offset. This list appears at the end of this document.

#### CBP Regulations Implementing the CDSOA

It is noted that CBP published a final rule in the **Federal Register** (66 FR 48546) on September 21, 2001, as T.D. 01-68, which was effective as of that date, in order to implement the CDSOA. The final rule added a new subpart F to part 159 of the CBP Regulations (19 CFR part 159, subpart F (§§ 159.61-159.64)).

#### Notice of Intent To Distribute Offset

This document announces that CBP intends to distribute to affected domestic producers the assessed antidumping or countervailing duties that are available for distribution in Fiscal Year 2003 in connection with those antidumping duty orders or findings or countervailing duty orders that are listed in this document. Section 159.62(a), Customs Regulations (19 CFR 159.62(a)), provides that CBP will publish such a notice of intention to

distribute assessed duties at least 90 days before the end of a fiscal year.

#### Certifications; Submission and Content

To obtain a distribution of the offset under a given order or finding, an affected domestic producer must submit a certification to CBP, in triplicate, indicating that the producer desires to receive a distribution.

As required by § 159.62(b), Customs Regulations (19 CFR 159.62(b)), this notice provides the case name and number of the order or finding concerned, as well as the specific instructions for filing a certification under § 159.63 to claim a distribution. However, although § 159.62(b) also provides that the dollar amounts subject to distribution that were contained in the Special Account for each listed order or finding as of July 1, 2003, would appear in this notice, because these dollar amounts were not available in time for inclusion in this publication, these preliminary amounts will instead be posted shortly on the CBP website ([www.cbp.gov](http://www.cbp.gov)), for purposes of enabling affected domestic producers to determine whether it would be worthwhile to file a certification in a given case. The final amounts available for disbursement may differ from the preliminary amounts.

A successor to a company appearing on the list of affected domestic producers in this notice, or a member company of an association that appears on the list of affected domestic producers in this notice, where the member company does not appear on the list, should also consult § 159.61(b)(1)(i) or 159.61(b)(1)(ii), Customs Regulations, respectively (19 CFR 159.61(b)(1)(i) or 159.61(b)(1)(ii)), concerning whether and, if so, the additional procedures under which such party may file a certification to claim an offset.

Specifically, to obtain a distribution of the offset under a given order or finding, each affected domestic producer must timely submit a certification, in triplicate, to the Assistant Commissioner, Office of Regulations and Rulings, Headquarters, containing the required information detailed below as to the eligibility of the producer to receive the requested distribution and the total amount of the distribution that the producer is claiming. The certification must enumerate the qualifying expenditures incurred by the domestic producer since the issuance of an order or finding and it must demonstrate that the domestic producer is eligible to receive a distribution as an affected domestic producer.

As provided in § 159.63(b), Customs Regulations (19 CFR 159.63(b)), certifications to obtain a distribution of an offset must be received by CBP no later than 60 days after the date of publication of the notice of intent in the **Federal Register**.

While there is no established format for a certification, the certification must contain the following information:

1. The date of this **Federal Register** notice;
2. The Commerce case number;
3. The case name (Product/country);
4. The name of the domestic producer and any name qualifier, if applicable (for example, any other name under which the domestic producer does business or is also known);
5. The address of the domestic producer (if a post office box, the secondary street address must also appear), including, if applicable, a specific room number or department;
6. The Internal Revenue Service (IRS) number (with suffix) of the domestic producer, employer identification number, or social security number, as applicable;
7. The specific business organization of the domestic producer (corporation, partnership, sole proprietorship);
8. The name(s) of any individual(s) designated by the domestic producer as the contact person(s) concerning the certification, together with the phone number(s) and/or facsimile transmission number(s) and electronic mail (email) address(es) for the person(s);
9. The total dollar amount claimed;
10. The dollar amount claimed by category, as described in the section below entitled "Amount Claimed for Distribution";
11. A statement of eligibility, as described in the section below entitled "Eligibility To Receive Distribution"; and
12. A signature by a corporate officer legally authorized to bind the producer.

#### **Qualifying Expenditures Which May Be Claimed for Distribution**

Qualifying expenditures which may be offset by a distribution of assessed antidumping and countervailing duties encompass those expenditures that are incurred after the issuance of an antidumping duty order or finding or a countervailing duty order, and prior to its termination, provided that such expenditures fall within any of the following categories: (1) Manufacturing facilities; (2) Equipment; (3) Research and development; (4) Personnel training; (5) Acquisition of technology; (6) Health care benefits for employees paid for by the employer; (7) Pension benefits for employees paid for by the

employer; (8) Environmental equipment, training, or technology; (9) Acquisition of raw materials and other inputs; and (10) Working capital or other funds needed to maintain production.

#### **Amount Claimed for Distribution**

In calculating the amount of the distribution being claimed as an offset, the certification must enumerate the following: (1) The total amount of any qualifying expenditures currently and previously certified by the domestic producer, and the amount certified by category; (2) The total amount of those expenditures which have been the subject of any prior distribution under 19 U.S.C. 1675c; and (3) The net amount for new and remaining qualifying expenditures being claimed in the current certification (the total amount currently and previously certified as noted in item "(1)" above minus the total amount that was the subject of any prior distribution as noted in item "(2)" above) (§ 159.63(b)(2)(i)–(b)(2)(iii), Customs Regulations (19 CFR 159.63(b)(2)(i)–(b)(2)(iii))). Total amounts disbursed by CBP under the CDSOA for Fiscal Year 2001 and 2002 are available on the CBP website.

Additionally, these qualifying expenditures must be related to the production of the same product that is the subject of the order or finding, with the exception of expenses incurred by associations which must relate to a specific case (§ 159.61(c), Customs Regulations (19 CFR 159.61(c))).

#### **Eligibility To Receive Distribution**

As noted, the certification must contain a statement that the domestic producer desires to receive a distribution and is eligible to receive the distribution as an affected domestic producer. Also, the domestic producer must affirm that the net amount certified for distribution does not encompass any qualifying for expenditures which distribution has previously been made (§ 159.63(b)(3)(i), Customs Regulations (19 CFR 159.63(b)(3)(i))).

Furthermore, where a party is listed as an affected domestic producer on more than one order or finding covering the same product and files a separate certification for each order or finding using the same qualifying expenditures as the basis for distribution in each case, each certification must list all the other orders or findings where the producer is claiming the same qualifying expenditures (§ 159.63(b)(3)(ii), Customs Regulations (19 CFR 159.63(b)(3)(ii))).

Moreover, as required by 19 U.S.C. 1675c(b)(1) and § 159.63(b)(3)(iii),

Customs Regulations (19 CFR 159.63(b)(3)(iii)), the statement must include information as to whether the domestic producer remains in operation and continues to produce the product covered by the particular order or finding under which the distribution is sought. If a domestic producer is no longer in operation, or no longer produces the product covered by the order or finding, the producer would not be considered an affected domestic producer entitled to receive a distribution.

In addition, as required by 19 U.S.C. 1675c(b)(5) and § 159.63(b)(3)(iii), the domestic producer must state whether it has been acquired by a company or business that is related to a company that opposed the antidumping or countervailing duty investigation that resulted in the order or finding under which the distribution is sought. If a domestic producer has been so acquired, the producer would again not be considered an affected domestic producer entitled to receive a distribution.

The certification must be executed and dated by a party legally authorized to bind the domestic producer and it must state that the information contained in the certification is true and accurate to the best of the certifier's knowledge and belief under penalty of law, and that the domestic producer has records to support the qualifying expenditures being claimed (see section below entitled "Verification of Certification").

#### **Review and Correction of Certification**

A certification that is submitted in response to this notice of distribution may be reviewed before acceptance to ensure that all informational requirements are complied with and that any amounts set forth in the certification for qualifying expenditures, including the amount claimed for distribution, appear to be correct. A certification that is found to be materially incorrect or incomplete will be returned to the domestic producer, as provided in § 159.63(c), Customs Regulations (19 CFR 159.63(c)). It is the sole responsibility of the domestic producer to ensure that the certification is correct, complete and satisfactory so as to demonstrate the entitlement of the domestic producer to the distribution requested. Failure to ensure that the certification is correct, complete and satisfactory will result in the domestic producer not receiving a distribution.

#### **Verification of Certification**

Certifications are subject to CBP's verification. Because of this, parties are

required to maintain records supporting their claims for a period of three years after the filing of the certification (*see* § 159.63(d), Customs Regulations (19 CFR 159.63(d))). The records must be those that are normally kept in the ordinary course of business; these records must support each qualifying expenditure enumerated in the certification; and they must support how the qualifying expenditures are determined to be related to the production of the product covered by the order or finding.

#### Disclosure of Information in Certifications; Acceptance by Producer

The name of the affected domestic producer, the total dollar amount claimed by that party on the certification, as well as the total dollar amount that CBP actually disburses to that company as an offset, will be available for disclosure to the public, as specified in § 159.63(e), Customs Regulations (19 CFR 159.63(e)). To this extent, the submission of the certification is construed as an

understanding and acceptance on the part of the domestic producer that this information will be disclosed to the public. Alternatively, a statement in a certification that this information is proprietary and exempt from disclosure will result in CBP's rejection of the certification.

#### List of Orders or Findings and Related Domestic Producers

The list of individual antidumping duty orders or findings and countervailing duty orders is set forth below, together with the affected domestic producers associated with each order or finding that are potentially eligible to receive an offset.

**Note:** On April 8, 2003, the U.S. Court of International Trade (CIT) issued a decision concerning a successor company claim for a distribution under the Continued Dumping and Subsidy Offset Act of 2000 (CDSOA), 19 U.S.C. 1675c. *Candle Corporation of America and Blyth, Inc. v. United States*, No. 02–00751 Slip Op. 03–40 (Ct. Int'l Trade Apr. 8, 2003), appeal docketed, No. 03–1348 (Fed. Cir. April 28, 2003). The CIT found that the Candle Corporation of America (CCA)

response to a 1986 ITC questionnaire “clearly indicates that CCA did not support the petition.” Slip Op at 13. The CIT reasoned that, although 19 CFR 159.61(b)(1)(i) permits a “successor company” to file a certification to claim an offset on behalf of its predecessor, the “eligibility for certification under the regulation is subject to the limitations imposed by 19 U.S.C. 1675c, which requires that a claimant (1) have [petitioned] or supported the petition, and (2) remain in operation.” Consequently, the CIT held that it was not arbitrary, capricious, an abuse of discretion or otherwise contrary to law for Customs (which is now CBP) to deny CCA's claim.

An appeal to the Federal Circuit has been filed. A final decision may affect future distributions. Assuming an appeal remains pending, CBP may evaluate whether interim adjustments to future distributions would be prudent. CBP will notify the public of any such adjustments through a future **Federal Register** notice.

Dated: July 7, 2003.

**Larry L. Burton,**

*Acting Assistant Commissioner, Office of Regulations and Rulings.*

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A-588-028 .....	AA1921-111	Roller chain/Japan .....	American Chain Association Acme Chain Division, North American Rockwell Atlas Chain & Precision Products Diamond Chain Link-Belt Chain Division, FMC Morse Chain Division, Borg Warner Rex Chainbelt
A-401-040 .....	AA1921-114	Stainless steel plate/Sweden .....	Jessop Steel
A-588-041 .....	AA1921-115	Synthetic methionine/Japan .....	Monsanto
A-588-046 .....	AA1921-129	Polychloroprene rubber/Japan .....	E.I. du Pont de Nemours
A-122-047 .....	AA1921-127	Elemental sulphur/Canada .....	Duval
A-588-056 .....	AA1921-162	Melamine/Japan .....	Melamine Chemical
A-475-059 .....	AA1921-167	Pressure-sensitive plastic tape/Italy .....	Minnesota Mining & Manufacturing
A-588-068 .....	AA1921-188	Prestressed concrete steel wire strand/Japan .....	American Spring Wire Armco Steel Bethlehem Steel CF&I Steel Florida Wire & Cable
C-408-046 .....	104-TAA-7	Sugar/EU .....	No petition at the Commission; Commerce Service list identifies: U.S. Beet Sugar Association Florida Sugar Marketing and Terminal Association American Sugar Cane League American Sugarbeet Growers Association Florida Sugar Cane League Rio Grande Valley Sugar Growers Association Michigan Sugar Amstar Sugar Sugar Cane Growers Cooperative of Florida Alexander & Baldwin Michigan Farm Bureau H&R Brokerage Talisman Sugar

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			American Farm Bureau Federation Leach Farms A.J. Yates Hawaiian Agricultural Research Center United States Beet Sugar Association United States Cane Sugar Refiners' Association
A-423-077 .....	AA1921-198	Sugar/Belgium .....	Florida Sugar Marketing and Terminal Association
A-427-078 .....	AA1921-199	Sugar/France .....	Florida Sugar Marketing and Terminal Association
A-428-082 .....	AA1921-200	Sugar/Germany .....	Florida Sugar Marketing and Terminal Association
A-122-085 .....	731-TA-3	Sugar and syrups/Canada .....	Amstar Sugar
A-427-098 .....	731-TA-25	Anhydrous sodium metasilicate/France .....	PQ
A-427-001 .....	731-TA-44	Sorbitol/France .....	Lonza Pfizer
A-570-007 .....	731-TA-149	Barium chloride/China .....	Chemical Products
A-570-101 .....	731-TA-101	Greige polyester cotton printcloth/China .....	Alice Manufacturing Clinton Mills Dan River Greenwood Mills Hamrick Mills M. Lowenstein Mayfair Mills Mount Vernon Mills
C-357-004 .....	701-TA-A	Carbon steel wire rod/Argentina .....	Atlantic Steel Continental Steel Georgetown Steel North Star Steel Raritan River Steel
A-357-007 .....	731-TA-157	Carbon steel wire rod/Argentina .....	Atlantic Steel Continental Steel Georgetown Steel North Star Steel Raritan River Steel
A-469-007 .....	731-TA-126	Potassium permanganate/Spain .....	Carus Chemical
A-570-001 .....	731-TA-125	Potassium permanganate/China .....	Carus Chemical
A-570-002 .....	731-TA-130	Chloropicrin/China .....	LCP Chemicals & Plastics Niklor Chemical
C-533-063 .....	303-TA-13	Iron metal castings/India .....	Campbell Foundry Le Baron Foundry Municipal Castings Neenah Foundry Pinkerton Foundry U.S. Foundry & Manufacturing Vulcan Foundry
A-122-503 .....	731-TA-263	Iron construction castings/Canada.	Alhambra Foundry Allegheny Foundry Bingham & Taylor Campbell Foundry Charlotte Pipe & Foundry Deeter Foundry East Jordan Foundry Le Baron Foundry Municipal Castings Neenah Foundry Opelika Foundry Pinkerton Foundry Tyler Pipe U.S. Foundry & Manufacturing



Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Vulcan Foundry
A-351-503 .....	731-TA-262	Iron construction castings/Brazil .....	Alhambra Foundry Allegheny Foundry Bingham & Taylor Campbell Foundry Charlotte Pipe & Foundry Deeter Foundry East Jordan Foundry Le Baron Foundry Municipal Castings Neenah Foundry Opelika Foundry Pinkerton Foundry Tyler Pipe U.S. Foundry & Manufacturing Vulcan Foundry
A-570-502 .....	731-TA-265	Iron construction castings/China .....	Alhambra Foundry Allegheny Foundry Bingham & Taylor Campbell Foundry Charlotte Pipe & Foundry Deeter Foundry East Jordan Foundry Le Baron Foundry Municipal Castings Neenah Foundry Opelika Foundry Pinkerton Foundry Tyler Pipe U.S. Foundry & Manufacturing Vulcan Foundry
C-351-504 .....	701-TA-249	Heavy iron construction castings/Brazil .....	Alhambra Foundry Allegheny Foundry Bingham & Taylor Campbell Foundry Charlotte Pipe & Foundry Deeter Foundry East Jordan Foundry Le Baron Foundry Municipal Castings Neenah Foundry Opelika Foundry Pinkerton Foundry Tyler Pipe U.S. Foundry & Manufacturing Vulcan Foundry
A-351-605 .....	731-TA-326	Frozen concentrated orange juice/Brazil .....	Alcoma Packing B&W Canning Berry Citrus Products Caulkins Indiantown Citrus Citrus Belle Citrus World Florida Citrus Mutual
A-570-825 .....	731-TA-653	Sebacic acid/China .....	Union Camp
C-122-404 .....	701-TA-224	Live swine/Canada .....	National Pork Producers Council Wilson Foods
A-357-405 .....	731-TA-208	Barbed wire and barbless wire strand/Argentina .....	CF&I Steel Davis Walker Forbes Steel & Wire Oklahoma Steel Wire
A-570-501 .....	731-TA-244	Natural bristle paint brushes/China .....	Baltimore Brush Bestt Liebco Elder & Jenks EZ Paint H&G Industries Joseph Lieberman & Sons

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Purdy Rubberset Thomas Paint Applicators Wooster Brush
A-570-003 .....	731-TA-103	Cotton shop towels/China .....	Milliken Texel Industries Wikit
C-535-001 .....	701-TA-202	Cotton shop towels/Pakistan .....	Milliken
C-333-401 .....	701-TA-E	Cotton shop towels/Peru .....	No case at the Commission; Commerce service list identifies: Durafab KleenTex Industries Pavis & Harcourt Lewis Eckert Robb Milliken
A-538-802 .....	731-TA-514	Cotton shop towels/Bangladesh .....	Milliken
A-570-504 .....	731-TA-282	Petroleum wax candles/China .....	The A.I. Root Company Candle Artisans, Inc. CandleLite Cathedral Candle Colonial Candle of Cape Cod General Wax & Candle Lenox Candles LumiLite Candle MeuchKreuzer Candle National Candle Association Will & Baumer WNS
A-588-045 .....	AA1921-124	Steel wire rope/Japan .....	AMSTED Industries
A-201-806 .....	731-TA-547	Carbon steel wire rope/Mexico .....	Bridon American Macwhyte Paulsen Wire Rope The Rochester Corporation Williamsport Wire-rope Works Wire Rope Corporation of America United Automobile, Aerospace and Agricultural Implement Workers (Local 960)
A-580-811 .....	731-TA-546	Carbon steel wire rope/Korea .....	Bridon American Macwhyte Paulsen Wire Rope The Rochester Corporation Williamsport Wire-rope Works Wire Rope Corporation of America United Automobile, Aerospace and Agricultural Implement Workers (Local 960)
A-351-505 .....	731-TA-278	Malleable cast iron pipe fittings/Brazil .....	Stanley G. Flagg Grinnell Stockham Valves & Fittings U-Brand Ward Manufacturing
A-580-507 .....	731-TA-279	Malleable cast iron pipe fittings/Korea .....	Stanley G. Flagg Grinnell Stockham Valves & Fittings U-Brand Ward Manufacturing
A-583-507 .....	731-TA-280	Malleable cast iron pipe fittings/Taiwan	Stanley G. Flagg Grinnell Stockham Valves & Fittings U-Brand

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Ward Manufacturing
A-588-605 .....	731-TA-347	Malleable cast iron pipe fittings/Japan .....	Stanley G. Flagg Grinnell Stockham Valves & Fittings U-Brand Ward Manufacturing
A-549-601 .....	731-TA-348	Malleable cast iron pipe fittings/Thailand .....	Stanley G. Flagg Grinnell Stockham Valves & Fittings U-Brand Ward Manufacturing
A-570-506 .....	731-TA-298	Porcelain-on-steel cooking ware/China .....	General Housewares
A-201-504 .....	731-TA-297	Porcelain-on-steel cooking ware/Mexico .....	General Housewares
A-583-508 .....	731-TA-299	Porcelain-on-steel cooking ware/Taiwan .....	General Housewares
C-201-505 .....	701-TA-265	Porcelain-on-steel cooking ware/Mexico .....	General Housewares
A-580-601 .....	731-TA-304	Top-of-the-stove stainless steel cooking ware/Korea	Farberware Regal Ware Revere Copper & Brass WearEver/Proctor Silex
C-580-602 .....	701-TA-267	Top-of-the-stove stainless steel cooking ware/Korea	Farberware Regal Ware Revere Copper & Brass WearEver/Proctor Silex
A-583-603 .....	731-TA-305	Top-of-the-stove stainless steel cooking ware/Taiwan.	Farberware  Regal Ware Revere Copper & Brass WearEver/Proctor Silex
C-583-604 .....	701-TA-268	Top of the stove stainless steel cooking ware/Taiwan.	Farberware  Regal Ware Revere Copper & Brass WearEver/Proctor Silex
C-351-604 .....	701-TA-269	Brass sheet and strip/Brazil .....	American Brass Bridgeport Brass Chase Brass & Copper Hussey Copper The Miller Company Olin Revere Copper Products Allied Industrial Workers of America International Association of Machinists & Aerospace Workers Mechanics Educational Society of America (Local 56) United Steelworkers of America
A-351-603 .....	731-TA-311	Brass sheet and strip/Brazil .....	American Brass Bridgeport Brass Chase Brass & Copper Hussey Copper The Miller Company Olin Revere Copper Products Allied Industrial Workers of America International Association of Machinists & Aerospace Workers Mechanics Educational Society of America (Local 56) United Steelworkers of America

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A-122-601 .....	731-TA-312	Brass sheet and strip/Canada .....	American Brass Bridgeport Brass Chase Brass & Copper Hussey Copper The Miller Company Olin Revere Copper Products Allied Industrial Workers of America International Association of Machinists & Aerospace Workers Mechanics Educational Society of America (Local 56) United Steelworkers of America
A-580-603 .....	731-TA-315	Brass sheet and strip/Korea .....	American Brass Bridgeport Brass Chase Brass & Copper Hussey Copper The Miller Company Olin Revere Copper Products Allied Industrial Workers of America International Association of Machinists & Aerospace Workers Mechanics Educational Society of America (Local 56) United Steelworkers of America
A-427-602 .....	731-TA-313	Brass sheet and strip/France .....	American Brass Bridgeport Brass Chase Brass & Copper Hussey Copper The Miller Company Olin Revere Copper Products Allied Industrial Workers of America International Association of Machinists & Aerospace Workers Mechanics Educational Society of America (Local 56) United Steelworkers of America
C-427-603 .....	701-TA-270	Brass sheet and strip/France .....	American Brass Bridgeport Brass Chase Brass & Copper Hussey Copper The Miller Company Olin Revere Copper Products Allied Industrial Workers of America International Association of Machinists & Aerospace Workers Mechanics Educational Society of America (Local 56) United Steelworkers of America
A-428-602 .....	731-TA-317	Brass sheet and strip/Germany .....	American Brass Bridgeport Brass Chase Brass & Copper Hussey Copper The Miller Company Olin Revere Copper Products Allied Industrial Workers of America International Association of Machinists & Aerospace Workers Mechanics Educational Society of America (Local 56)

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			United Steelworkers of America
A-475-601 .....	731-TA-314	Brass sheet and strip/Italy .....	American Brass Bridgeport Brass Chase Brass & Copper Hussey Copper The Miller Company Olin Revere Copper Products Allied Industrial Workers of America International Association of Machinists & Aerospace Workers Mechanics Educational Society of America (Local 56) United Steelworkers of America
A-401-601 .....	731-TA-316	Brass sheet and strip/Sweden .....	American Brass Bridgeport Brass Chase Brass & Copper Hussey Copper The Miller Company Olin Revere Copper Products Allied Industrial Workers of America International Association of Machinists & Aerospace Workers Mechanics Educational Society of America (Local 56) United Steelworkers of America
A-588-704 .....	731-TA-379	Brass sheet and strip/Japan .....	American Brass Bridgeport Brass Chase Brass & Copper Hussey Copper The Miller Company North Coast Brass & Copper Olin Pegg Metals Revere Copper Products Allied Industrial Workers of America International Association of Machinists & Aerospace Workers Mechanics Educational Society of America (Local 56) United Steelworkers of America
A-421-701 .....	731-TA-380	Brass sheet and strip/Netherlands .....	American Brass Bridgeport Brass Chase Brass & Copper Hussey Copper The Miller Company North Coast Brass & Copper Olin Pegg Metals Revere Copper Products Allied Industrial Workers of America International Association of Machinists & Aerospace Workers Mechanics Educational Society of America (Local 56) United Steelworkers of America
A-831-801 .....	731-TA-340A	Solid urea/Armenia .....	Agrico Chemical American Cyanamid CF Industries First Mississippi Mississippi Chemical Terra International W.R. Grace
A-822-801 .....	731-TA-340B	Solid urea/Belarus .....	Agrico Chemical American Cyanamid CF Industries

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			First Mississippi Mississippi Chemical Terra International W.R. Grace
A-447-801 .....	731-TA-340C	Solid urea/Estonia .....	Agrico Chemical American Cyanamid CF Industries First Mississippi Mississippi Chemical Terra International W.R. Grace
A-451-801 .....	731-TA-340D	Solid urea/Lithuania .....	Agrico Chemical American Cyanamid CF Industries First Mississippi Mississippi Chemical Terra International W.R. Grace
A-485-601 .....	731-TA-339	Solid urea/Romania .....	Agrico Chemical American Cyanamid CF Industries First Mississippi Mississippi Chemical Terra International W.R. Grace
A-821-801 .....	731-TA-340E	Solid urea/Russia .....	Agrico Chemical American Cyanamid CF Industries First Mississippi Mississippi Chemical Terra International W.R. Grace
A-842-801 .....	731-TA-340F	Solid urea/Tajikistan .....	Agrico Chemical American Cyanamid CF Industries First Mississippi Mississippi Chemical Terra International W.R. Grace
A-843-801 .....	731-TA-340G	Solid urea/Turkmenistan .....	Agrico Chemical American Cyanamid CF Industries First Mississippi Mississippi Chemical Terra International W.R. Grace
A-823-801 .....	731-TA-340H	Solid urea/Ukraine .....	Agrico Chemical American Cyanamid CF Industries First Mississippi Mississippi Chemical Terra International W.R. Grace
A-844-801 .....	731-TA-340I	Solid urea/Uzbekistan .....	Agrico Chemical American Cyanamid CF Industries First Mississippi Mississippi Chemical Terra International W.R. Grace
C-508-605 .....	701-TA-286	Industrial phosphoric acid/Israel .....	Albright & Wilson FMC Hydrite Chemical Monsanto

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Stauffer Chemical
A-423-602 .....	731-TA-365	Industrial phosphoric acid/Belgium .....	Albright & Wilson FMC Hydrite Chemical Monsanto Stauffer Chemical
A-489-602 .....	731-TA-364	Aspirin/Turkey .....	Dow Chemical Monsanto Norwich-Eaton
A-122-605 .....	731-TA-367	Color picture tubes/Canada .....	Philips Electronic Components Group Zenith Electronics Industrial Union Department, AFL-CIO International Association of Machinists & Aerospace Workers International Brotherhood of Electrical Workers International Union of Electronic, Electrical, Technical, Salaried and Machine Workers United Steelworkers of America
A-588-609 .....	731-TA-368	Color picture tubes/Japan .....	Philips Electronic Components Group Zenith Electronics Industrial Union Department, AFL-CIO International Association of Machinists & Aerospace Workers International Brotherhood of Electrical Workers International Union of Electronic, Electrical, Technical, Salaried and Machine Workers United Steelworkers of America
A-580-605 .....	731-TA-369	Color picture tubes/Korea .....	Philips Electronic Components Group Zenith Electronics Industrial Union Department, AFL-CIO International Association of Machinists & Aerospace Workers International Brotherhood of Electrical Workers International Union of Electronic, Electrical, Technical, Salaried and Machine Workers United Steelworkers of America
A-559-601 .....	731-TA-370	Color picture tubes/Singapore .....	Philips Electronic Components Group Zenith Electronics Industrial Union Department, AFL-CIO International Association of Machinists & Aerospace Workers International Brotherhood of Electrical Workers International Union of Electronic, Electrical, Technical, Salaried and Machine Workers United Steelworkers of America
A-588-054 .....	AA1921-143	Tapered roller bearings 4 inches and under/Japan ..	No companies identified as petitioners at the Commission; Commerce service list identifies: Mitsubishi Nissan Motor Yamaha Motors NSK Hoover-NSK Bearing ITOCHU International Toyota Motor Sales Timken Nippon Seiko Kawasaki Heavy Duty Industries Komatsu America Nachi Western Ford Motor Federal Mogul Itocho Kanematsu-Goshu USA Nissan Motor USA Nachi America Motorambar

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Honda General Motors Sumitomo Koyo Seiko American Honda Motor Subaru of America Suzuki Motor Kubota Tractor Isuzu Nachi-Fujikoshi NTN
A-570-601 .....	731-TA-344	Tapered roller bearings/China .....	L&S Bearing Timken Torrington
A-437-601 .....	731-TA-341	Tapered roller bearings/Hungary .....	L&S Bearing Timken Torrington
A-485-602 .....	731-TA-345	Tapered roller bearings/Romania .....	L&S Bearing Timken Torrington
A-588-604 .....	731-TA-343	Tapered roller bearings over 4 inches/Japan .....	L&S Bearing Timken Torrington
A-427-801 .....	731-TA-392-A	Ball bearings/France .....	Kubar Bearings McGill Manufacturing Co. MPB Torrington
A-427-801 .....	731-TA-392-B	Cylindrical roller bearings/France .....	MPB Torrington
A-427-801 .....	731-TA-392-C	Spherical plain bearings/France .....	McGill Manufacturing Co. Torrington
A-428-801 .....	731-TA-391-A	Ball bearings/Germany .....	Kubar Bearings McGill Manufacturing Co. MPB Torrington
A-428-801 .....	731-TA-391-B	Cylindrical roller bearings/Germany .....	MPB Torrington
A-428-801 .....	731-TA-391-C	Spherical plain bearings/Germany .....	Torrington
A-475-801 .....	731-TA-393-A	Ball bearings/Italy .....	Kubar Bearings McGill Manufacturing Co. MPB Torrington
A-475-801 .....	731-TA-393-B	Cylindrical roller bearings/Italy .....	MPB Torrington
A-588-804 .....	731-TA-394-A	Ball bearings/Japan .....	Kubar Bearings McGill Manufacturing Co. MPB Torrington
A-588-804 .....	731-TA-394-B	Cylindrical roller bearings/Japan .....	MPB Torrington
A-588-804 .....	731-TA-394-C	Spherical plain bearings/Japan .....	Torrington
A-485-801 .....	731-TA-395	Ball bearings/Romania .....	Kubar Bearings MPB Torrington
A-559-801 .....	731-TA-396	Ball bearings/Singapore .....	Kubar Bearings McGill Manufacturing Co. MPB



Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Torrington
A-401-801 .....	731-TA-397-A	Ball bearings/Sweden .....	Kubar Bearings MPB Torrington
A-401-801 .....	731-TA-397-B	Cylindrical roller bearings/Sweden .....	MPB Torrington
A-412-801 .....	731-TA-399-A	Ball bearings/United Kingdom .....	Kubar Bearings McGill Manufacturing Co. MPB Torrington
A-412-801 .....	731-TA-399-B	Cylindrical roller bearings/United Kingdom .....	MPB Torrington
A-588-703 .....	731-TA-377	Internal combustion industrial forklift trucks/Japan ...	Hyster Ad-Hoc Group of Workers from Hyster's Berea, Kentucky and Sulligent, Alabama Facilities Allied Industrial Workers of America Independent Lift Truck Builders Union International Association of Machinists & Aerospace Workers United Shop & Service Employees
A-588-706 .....	731-TA-384	Nitrile rubber/Japan .....	Uniroyal Chemical
A-583-008 .....	731-TA-132	Small diameter carbon steel pipe and tube/Taiwan	Allied Tube & Conduit American Tube Bull Moose Tube Copperweld Tubing J&L Steel Kaiser Steel Merchant Metals Pittsburgh Tube Southwestern Pipe Western Tube & Conduit
C-489-502 .....	701-TA-253	Welded carbon steel pipe and tube/Turkey .....	Allied Tube & Conduit American Tube Bernard Epps Bock Industries Bull Moose Tube Central Steel Tube Century Tube Copperweld Tubing Cyclops Hughes Steel & Tube Kaiser Steel Laclede Steel Maruichi American Maverick Tube Merchant Metals Phoenix Steel Pittsburgh Tube Quanex Sharon Tube Southwestern Pipe UNR-Leavitt Welded Tube Western Tube & Conduit Wheatland Tube
A-549-502 .....	731-TA-252	Welded carbon steel pipe and tube/Thailand .....	Allied Tube & Conduit American Tube Bernard Epps Bock Industries Bull Moose Tube Central Steel Tube Century Tube Copperweld Tubing Cyclops Hughes Steel & Tube

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Kaiser Steel Laclede Steel Maruichi American Maverick Tube Merchant Metals Phoenix Steel Pittsburgh Tube Quanex Sharon Tube Southwestern Pipe UNR-Leavitt Welded Tube Western Tube & Conduit Wheatland Tube
A-533-502 .....	731-TA-271	Welded carbon steel pipe and tube/India .....	Allied Tube & Conduit American Tube Bernard Epps Bock Industries Bull Moose Tube Central Steel Tube Century Tube Copperweld Tubing Cyclops Hughes Steel & Tube Kaiser Steel Laclede Steel Maruichi American Maverick Tube Merchant Metals Phoenix Steel Pittsburgh Tube Quanex Sharon Tube Southwestern Pipe UNR-Leavitt Welded Tube Western Tube & Conduit Wheatland Tube
A-489-501 .....	731-TA-273	Welded carbon steel pipe and tube/Turkey .....	Allied Tube & Conduit American Tube Bernard Epps Bock Industries Bull Moose Tube Central Steel Tube Century Tube Copperweld Tubing Cyclops Hughes Steel & Tube Kaiser Steel Laclede Steel Maruichi American Maverick Tube Merchant Metals Phoenix Steel Pittsburgh Tube Quanex Sharon Tube Southwestern Pipe UNR-Leavitt Welded Tube Western Tube & Conduit Wheatland Tube
A-122-506 .....	731-TA-276	Oil country tubular goods/Canada .....	CF&I Steel Copperweld Tubing Cyclops KPC Lone Star Steel LTV Steel Maverick Tube Quanex

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			U.S. Steel
A-583-505 .....	731-TA-277	Oil country tubular goods/Taiwan .....	CF&I Steel Copperweld Tubing Cyclops KPC Lone Star Steel LTV Steel Maverick Tube Quanex U.S. Steel
A-559-502 .....	731-TA-296	Small diameter standard and rectangular pipe and tube/Singapore.	Allied Tube & Conduit  American Tube Bull Moose Tube Cyclops Hannibal Industries Laclede Steel Pittsburgh Tube Sharon Tube Western Tube & Conduit
A-583-803 .....	731-TA-410	Light-walled rectangular tube/Taiwan .....	Wheatland Tube Bull Moose Tube Hannibal Industries Harris Tube Maruichi American Searing Industries Southwestern Pipe Western Tube & Conduit
A-357-802 .....	731-TA-409	Light-walled rectangular tube/Argentina .....	Bull Moose Tube Hannibal Industries Harris Tube Maruichi American Searing Industries Southwestern Pipe Western Tube & Conduit
A-351-809 .....	731-TA-532	Circular welded nonalloy steel pipe/Brazil .....	Allied Tube & Conduit American Tube Bull Moose Tube Century Tube CSI Tubular Products Cyclops Laclede Steel LTV Tubular Products Maruichi American Sharon Tube Western Tube & Conduit Wheatland Tube
A-580-809 .....	731-TA-533	Circular welded nonalloy steel pipe/Korea .....	Allied Tube & Conduit American Tube Bull Moose Tube Century Tube CSI Tubular Products Cyclops Laclede Steel LTV Tubular Products Maruichi American Sharon Tube Western Tube & Conduit Wheatland Tube
A-201-805 .....	731-TA-534	Circular welded nonalloy steel pipe/Mexico .....	Allied Tube & Conduit American Tube Bull Moose Tube Century Tube CSI Tubular Products Cyclops Laclede Steel LTV Tubular Products

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Maruichi American Sharon Tube Western Tube & Conduit Wheatland Tube
A-583-814 .....	731-TA-536	Circular welded nonalloy steel pipe/Taiwan .....	Allied Tube & Conduit American Tube Bull Moose Tube Century Tube CSI Tubular Products Cyclops Laclede Steel LTV Tubular Products Maruichi American Sharon Tube Western Tube & Conduit Wheatland Tube
A-307-805 .....	731-TA-537	Circular welded nonalloy steel pipe/Venezuela .....	Allied Tube & Conduit American Tube Bull Moose Tube Century Tube CSI Tubular Products Cyclops Laclede Steel LTV Tubular Products Maruichi American Sharon Tube Western Tube & Conduit Wheatland Tube
A-588-707 .....	731-TA-386	Granular polytetrafluoroethylene/Japan .....	E.I. du Pont de Nemours ICI Americas
A-475-703 .....	731-TA-385	Granular polytetrafluoroethylene/Italy .....	E.I. du Pont de Nemours ICI Americas
A-351-602 .....	731-TA-308	Carbon steel butt-weld pipe fittings/Brazil .....	Ladish Mills Iron Works Steel Forgings Tube Forgings of America Weldbend
A-583-605 .....	731-TA-310	Carbon steel butt-weld pipe fittings/Taiwan .....	Ladish Mills Iron Works Steel Forgings Tube Forgings of America Weldbend
A-588-602 .....	731-TA-309	Carbon steel butt-weld pipe fittings/Japan .....	Ladish Mills Iron Works Steel Forgings Tube Forgings of America Weldbend
A-570-814 .....	731-TA-520	Carbon steel butt-weld pipe fittings/China .....	Hackney Ladish Mills Iron Works Steel Forgings Tube Forgings of America
A-549-807 .....	731-TA-521	Carbon steel butt-weld pipe fittings/Thailand .....	Hackney Ladish Mills Iron Works Steel Forgings Tube Forgings of America
A-484-801 .....	731-TA-406	Electrolytic manganese dioxide/Greece .....	Chemetals Kerr-McGee Rayovac
A-588-806 .....	731-TA-408	Electrolytic manganese dioxide/Japan .....	Chemetals Kerr-McGee

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Rayovac
A-428-802 .....	731-TA-419	Industrial belts/Germany .....	The Gates Rubber Company The Goodyear Tire and Rubber Company
A-475-802 .....	731-TA-413	Industrial belts/Italy .....	The Gates Rubber Company The Goodyear Tire and Rubber Company
A-588-807 .....	731-TA-414	Industrial belts/Japan .....	The Gates Rubber Company The Goodyear Tire and Rubber Company
A-559-802 .....	731-TA-415	Industrial belts/Singapore .....	The Gates Rubber Company The Goodyear Tire and Rubber Company
A-427-009 .....	731-TA-96	Industrial nitrocellulose/France .....	Hercules
A-351-804 .....	731-TA-439	Industrial nitrocellulose/Brazil .....	Hercules
A-570-802 .....	731-TA-441	Industrial nitrocellulose/China .....	Hercules
A-428-803 .....	731-TA-444	Industrial nitrocellulose/Germany .....	Hercules
A-588-812 .....	731-TA-440	Industrial nitrocellulose/Japan .....	Hercules
A-580-805 .....	731-TA-442	Industrial nitrocellulose/Korea .....	Hercules
A-412-803 .....	731-TA-443	Industrial nitrocellulose/United Kingdom .....	Hercules
A-479-801 .....	731-TA-445	Industrial nitrocellulose/Yugoslavia .....	Hercules
A-122-804 .....	731-TA-422	Steel rails/Canada .....	Bethlehem Steel
C-122-805 .....	701-TA-297	Steel rails/Canada .....	CF&I Steel Bethlehem Steel CF&I Steel
A-588-811 .....	731-TA-432	Drafting machines/Japan .....	Vemco
A-588-810 .....	731-TA-429	Mechanical transfer presses/Japan .....	Allied Products United Autoworkers of America United Steelworkers of America
A-570-803 .....	731-TA-457-A	Axes and adzes/China .....	Warwood Tool Woodings-Verona
A-570-803 .....	731-TA-457-B	Bars and wedges/China .....	Warwood Tool Woodings-Verona
A-570-803 .....	731-TA-457-C	Hammers and sledges/China .....	Warwood Tool Woodings-Verona
A-570-803 .....	731-TA-457-D	Picks and mattocks/China .....	Warwood Tool Woodings-Verona
A-570-805 .....	731-TA-466	Sodium thiosulfate/China .....	Calabrian
A-428-807 .....	731-TA-465	Sodium thiosulfate/Germany .....	Calabrian
A-412-805 .....	731-TA-468	Sodium thiosulfate/United Kingdom .....	Calabrian
C-469-004 .....	701-TA-178	Stainless steel wire rod/Spain .....	AL Tech Specialty Steel Armco Steel Carpenter Technology Colt Industries Cyclops Guterl Special Steel Joslyn Stainless Steels Republic Steel
A-533-808 .....	731-TA-638	Stainless steel wire rod/India .....	AL Tech Specialty Steel Armco Steel Carpenter Technology Republic Engineered Steels Talley Metals Technology

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			United Steelworkers of America
A-351-819 .....	731-TA-636	Stainless steel wire rod/Brazil .....	AL Tech Specialty Steel Armco Steel Carpenter Technology Republic Engineered Steels Talley Metals Technology United Steelworkers of America
A-427-811 .....	731-TA-637	Stainless steel wire rod/France .....	AL Tech Specialty Steel Armco Steel Carpenter Technology Republic Engineered Steels Talley Metals Technology United Steelworkers of America
A-580-810 .....	731-TA-540	Welded ASTM A-312 stainless steel pipe/Korea .....	Avesta Sandvik Tube Bristol Metals Crucible Materials Damascus Tubular Products United Steelworkers of America
A-583-815 .....	731-TA-541	Welded ASTM A-312 stainless steel pipe/Taiwan ....	Avesta Sandvik Tube Bristol Metals Crucible Materials Damascus Tubular Products United Steelworkers of America
A-403-801 .....	731-TA-454	Fresh and chilled Atlantic salmon/Norway .....	Heritage Salmon The Coalition for Fair Atlantic Salmon Trade
C-403-802 .....	701-TA-302	Fresh and chilled Atlantic salmon/Norway .....	Heritage Salmon The Coalition for Fair Atlantic Salmon Trade
A-580-807 .....	731-TA-459	Polyethylene terephthalate film/Korea .....	E.I. du Pont de Nemours Hoechst Celanese ICI Americas
A-570-804 .....	731-TA-464	Sparklers/China .....	B.J. Alan Diamond Sparkler Elkton Sparkler
A-588-702 .....	731-TA-376	Stainless steel butt-weld pipe fittings/Japan .....	Flowline Shaw Alloy Piping Products Taylor Forge Stainless
A-580-813 .....	731-TA-563	Stainless steel butt-weld pipe fittings/Korea .....	Gerlin Markovitz Enterprises Shaw Alloy Piping Products Taylor Forge Stainless
A-583-816 .....	731-TA-564	Stainless steel butt-weld pipe fittings/Taiwan .....	Gerlin Markovitz Enterprises Shaw Alloy Piping Products Taylor Forge Stainless
A-201-802 .....	731-TA-451	Gray portland cement and clinker/Mexico .....	Alamo Cement Blue Circle BoxCrow Cement Calaveras Cement Capitol Aggregates Centex Cement Florida Crushed Stone Gifford-Hill Hanson Permanente Cement Ideal Basic Industries National Cement Company of Alabama National Cement Company of California Phoenix Cement Riverside Cement Southdown Tarmac America Texas Industries

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Independent Workers of North America (Locals 49, 52, 89, 192, and 471) International Union of Operating Engineers (Local 12)
A-588-815 .....	731-TA-461	Gray portland cement and clinker/Japan .....	Calaveras Cement Hanson Permanente Cement National Cement Company of California Southdown Independent Workers of North America (Locals 49, 52, 89, 192, and 471) International Union of Operating Engineers (Local 12)
A-307-803 .....	731-TA-519	Gray portland cement and clinker/Venezuela .....	Florida Crushed Stone Southdown Tarmac America
C-307-804 .....	303-TA-21	Gray portland cement and clinker/Venezuela .....	Florida Crushed Stone Southdown Tarmac America
A-588-817 .....	731-TA-469	Electroluminescent flat-panel displays/Japan .....	The Cherry Corporation Electro Plasma Magnascreen OIS Optical Imaging Systems Photonics Technology Planar Systems Plasmaco
A-570-808 .....	731-TA-474	Chrome-plated lug nuts/China .....	Consolidated International Automotive Key Manufacturing McGard
A-583-810 .....	731-TA-475	Chrome-plated lug nuts/Taiwan .....	Consolidated International Automotive Key Manufacturing McGard
A-122-814 .....	731-TA-528	Pure magnesium/Canada .....	Magnesium Corporation of America
C-122-815 .....	701-TA-309-A	Alloy magnesium/Canada .....	Magnesium Corporation of America
C-122815 .....	701-TA-309-B	Pure magnesium/Canada .....	Magnesium Corporation of America
A-557-805 .....	731-TA-527	Extruded rubber thread/Malaysia .....	Globe Manufacturing North American Rubber Thread
A-843-802 .....	731-TA-539	Uranium/Kazakhstan .....	Ferret Exploration First Holding Geomex Minerals IMC Fertilizer Malapai Resources Pathfinder Mines Power Resources Rio Algom Mining Solution Mining Total Minerals Umetco Minerals Uranium Resources Oil, Chemical and Atomic Workers
A-821-802 .....	731-TA-539-C	Uranium/Russia .....	Ferret Exploration First Holding Geomex Minerals IMC Fertilizer Malapai Resources Pathfinder Mines Power Resources Rio Algom Mining Solution Mining Total Minerals Umetco Minerals Uranium Resources

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Oil, Chemical and Atomic Workers
A-844-802 .....	731-TA-539-F	Uranium/Uzbekistan .....	Ferret Exploration First Holding Geomex Minerals IMC Fertilizer Malapai Resources Pathfinder Mines Power Resources Rio Algom Mining Solution Mining Total Minerals Umetco Minerals Uranium Resources Oil, Chemical and Atomic Workers
A-823-802 .....	731-TA-539-E	Uranium/Ukraine .....	Ferret Exploration First Holding Geomex Minerals IMC Fertilizer Malapai Resources Pathfinder Mines Power Resources Rio Algom Mining Solution Mining Total Minerals Umetco Minerals Uranium Resources Oil, Chemical and Atomic Workers
A-583-080 .....	AA1921-197	Carbon steel plate/Taiwan .....	No petition (self-initiated by Treasury); Commerce service list identifies:  U.S. Steel China Steel Bethlehem Steel
C-423-806 .....	701-TA-319	Cut-to-length carbon steel plate/Belgium .....	Bethlehem Steel California Steel Industries Geneva Steel Gulf States Steel Inland Steel Industries Lukens Steel National Steel Nextech Sharon Steel Theis Precision Steel Thompson Steel U.S. Steel United Steelworkers of America
C-351-818 .....	701-TA-320	Cut-to-length carbon steel plate/ Brazil .....	Bethlehem Steel California Steel Industries Geneva Steel Gulf States Steel Inland Steel Industries Lukens Steel National Steel Nextech Sharon Steel Theis Precision Steel Thompson Steel U.S. Steel United Steelworkers of America
C-428-817 .....	701-TA-322	Cut-to-length carbon steel plate/Germany .....	Bethlehem Steel California Steel Industries Geneva Steel Gulf States Steel Inland Steel Industries Lukens Steel National Steel Nextech



Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Sharon Steel Theis Precision Steel Thompson Steel U.S. Steel United Steelworkers of America
C-201-810 .....	701-TA-325	Cut-to-length carbon steel plate/Mexico .....	Bethlehem Steel California Steel Industries Geneva Steel Gulf States Steel Inland Steel Industries Lukens Steel National Steel Nextech Sharon Steel Theis Precision Steel Thompson Steel U.S. Steel United Steelworkers of America
C-469-804 .....	701-TA-326	Cut-to-length carbon steel plate/Spain .....	Bethlehem Steel California Steel Industries Geneva Steel Gulf States Steel Inland Steel Industries Lukens Steel National Steel Nextech Sharon Steel Theis Precision Steel Thompson Steel U.S. Steel United Steelworkers of America
C-401-804 .....	701-TA-327	Cut-to-length carbon steel plate/Sweden .....	Bethlehem Steel California Steel Industries Geneva Steel Gulf States Steel Inland Steel Industries Lukens Steel National Steel Nextech Sharon Steel Theis Precision Steel Thompson Steel U.S. Steel United Steelworkers of America
C-412-815 .....	701-TA-328	Cut-to-length carbon steel plate/United Kingdom .....	Bethlehem Steel California Steel Industries Geneva Steel Gulf States Steel Inland Steel Industries Lukens Steel National Steel Nextech Sharon Steel Theis Precision Steel Thompson Steel U.S. Steel United Steelworkers of America
A-423-805 .....	731-TA-573	Cut-to-length carbon steel plate/Belgium .....	Bethlehem Steel California Steel Industries Geneva Steel Gulf States Steel Inland Steel Industries Lukens Steel National Steel Nextech Sharon Steel Theis Precision Steel Thompson Steel

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			U.S. Steel United Steelworkers of America
A-351-817 .....	731-TA-574	Cut-to-length carbon steel plate/Brazil .....	Bethlehem Steel California Steel Industries Geneva Steel Gulf States Steel Inland Steel Industries Lukens Steel National Steel Nextech Sharon Steel Theis Precision Steel Thompson Steel U.S. Steel United Steelworkers of America
A-122-823 .....	731-TA-575	Cut-to-length carbon steel plate/Canada .....	Bethlehem Steel California Steel Industries Geneva Steel Gulf States Steel Inland Steel Industries Lukens Steel National Steel Nextech Sharon Steel Theis Precision Steel Thompson Steel U.S. Steel United Steelworkers of America
A-405-802 .....	731-TA-576	Cut-to-length carbon steel plate/Finland .....	Bethlehem Steel California Steel Industries Geneva Steel Gulf States Steel Inland Steel Industries Lukens Steel National Steel Nextech Sharon Steel Theis Precision Steel Thompson Steel U.S. Steel United Steelworkers of America
A-428-816 .....	731-TA-578	Cut-to-length carbon steel plate/Germany .....	Bethlehem Steel California Steel Industries Geneva Steel Gulf States Steel Inland Steel Industries Lukens Steel National Steel Nextech Sharon Steel Theis Precision Steel Thompson Steel U.S. Steel United Steelworkers of America
A-201-809 .....	731-TA-582	Cut-to-length carbon steel plate/Mexico .....	Bethlehem Steel California Steel Industries Geneva Steel Gulf States Steel Inland Steel Industries Lukens Steel National Steel Nextech Sharon Steel Theis Precision Steel Thompson Steel U.S. Steel United Steelworkers of America

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A-455-802 .....	731-TA-583	Cut-to-length carbon steel plate/Poland .....	Bethlehem Steel California Steel Industries Geneva Steel Gulf States Steel Inland Steel Industries Lukens Steel National Steel Nextech Sharon Steel Theis Precision Steel Thompson Steel U.S. Steel United Steelworkers of America
A-485-803 .....	731-TA-584	Cut-to-length carbon steel plate/Romania .....	Bethlehem Steel California Steel Industries Geneva Steel Gulf States Steel Inland Steel Industries Lukens Steel National Steel Nextech Sharon Steel Theis Precision Steel Thompson Steel U.S. Steel United Steelworkers of America
A-469-803 .....	731-TA-585	Cut-to-length carbon steel plate/Spain .....	Bethlehem Steel California Steel Industries Geneva Steel Gulf States Steel Inland Steel Industries Lukens Steel National Steel Nextech Sharon Steel Theis Precision Steel Thompson Steel U.S. Steel United Steelworkers of America
A-401-805 .....	731-TA-586	Cut-to-length carbon steel plate/Sweden .....	Bethlehem Steel California Steel Industries Geneva Steel Gulf States Steel Inland Steel Industries Lukens Steel National Steel Nextech Sharon Steel Theis Precision Steel Thompson Steel U.S. Steel United Steelworkers of America
A-412-814 .....	731-TA-587	Cut-to-length carbon steel plate/United Kingdom .....	Bethlehem Steel California Steel Industries Geneva Steel Gulf States Steel Inland Steel Industries Lukens Steel National Steel Nextech Sharon Steel Theis Precision Steel Thompson Steel U.S. Steel United Steelworkers of America
C-401-401 .....	701-TA-231	Cold-rolled carbon steel flat products/Sweden .....	Bethlehem Steel Chaparral U.S. Steel

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
C-428-817 .....	701-TA-340	Cold-rolled carbon steel flat products/Germany .....	Armco Steel Bethlehem Steel California Steel Industries Gulf States Steel Inland Steel Industries LTV Steel National Steel Nextech Sharon Steel Theis Precision Steel Thompson Steel U.S. Steel WCI Steel Weirton Steel United Steelworkers of America
C-580-818 .....	701-TA-342	Cold-rolled carbon steel flat products/Korea .....	Armco Steel Bethlehem Steel California Steel Industries Gulf States Steel Inland Steel Industries LTV Steel National Steel Nextech Sharon Steel Theis Precision Steel Thompson Steel U.S. Steel WCI Steel Weirton Steel United Steelworkers of America
A-428-814 .....	731-TA-604	Cold-rolled carbon steel flat products/Germany .....	Armco Steel Bethlehem Steel California Steel Industries Gulf States Steel Inland Steel Industries LTV Steel National Steel Nextech Sharon Steel Theis Precision Steel Thompson Steel U.S. Steel WCI Steel Weirton Steel United Steelworkers of America
A-580-815 .....	731-TA-607	Cold-rolled carbon steel flat products/Korea .....	Armco Steel Bethlehem Steel California Steel Industries Gulf States Steel Inland Steel Industries LTV Steel National Steel Nextech Sharon Steel Theis Precision Steel Thompson Steel U.S. Steel WCI Steel Weirton Steel United Steelworkers of America
A-421-804 .....	731-TA-608	Cold-rolled carbon steel flat products/Netherlands ...	Armco Steel Bethlehem Steel California Steel Industries Gulf States Steel Inland Steel Industries LTV Steel National Steel Nextech Sharon Steel

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Theis Precision Steel Thompson Steel U.S. Steel WCI Steel Weirton Steel United Steelworkers of America
C-427-810 .....	701-TA-348	Corrosion-resistant carbon steel flat products/France.	Armco Steel  Bethlehem Steel California Steel Industries Geneva Steel Gulf States Steel Inland Steel Industries LTV Steel Lukens Steel National Steel Nextech Sharon Steel Theis Precision Steel Thompson Steel U.S. Steel WCI Steel Weirton Steel United Steelworkers of America
C-428-817 .....	701-TA-349	Corrosion-resistant carbon steel flat products/Germany.	Armco Steel  Bethlehem Steel California Steel Industries Geneva Steel Gulf States Steel Inland Steel Industries LTV Steel Lukens Steel National Steel Nextech Sharon Steel Theis Precision Steel Thompson Steel U.S. Steel WCI Steel Weirton Steel United Steelworkers of America
C-580-818 .....	701-TA-350	Corrosion-resistant carbon steel flat products/Korea	Armco Steel Bethlehem Steel California Steel Industries Geneva Steel Gulf States Steel Inland Steel Industries LTV Steel Lukens Steel National Steel Nextech Sharon Steel Theis Precision Steel Thompson Steel U.S. Steel WCI Steel Weirton Steel United Steelworkers of America
A-602-803 .....	731-TA-612	Corrosion-resistant carbon steel flat products/Australia.	Armco Steel  Bethlehem Steel California Steel Industries Geneva Steel Gulf States Steel Inland Steel Industries LTV Steel Lukens Steel National Steel

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Nextech Sharon Steel Theis Precision Steel Thompson Steel U.S. Steel WCI Steel Weirton Steel United Steelworkers of America
A-122-822 .....	731-TA-614	Corrosion-resistant carbon steel flat products/Canada.	Armco Steel  Bethlehem Steel California Steel Industries Geneva Steel Gulf States Steel Inland Steel Industries LTV Steel Lukens Steel National Steel Nextech Sharon Steel Theis Precision Steel Thompson Steel U.S. Steel WCI Steel Weirton Steel United Steelworkers of America
A-427-808 .....	731-TA-615	Corrosion-resistant carbon steel flat products/France.	Armco Steel  Bethlehem Steel California Steel Industries Geneva Steel Gulf States Steel Inland Steel Industries LTV Steel Lukens Steel National Steel Nextech Sharon Steel Theis Precision Steel Thompson Steel U.S. Steel WCI Steel Weirton Steel United Steelworkers of America
A-428-815 .....	731-TA-616	Corrosion-resistant carbon steel flat products/Germany.	Armco Steel  Bethlehem Steel California Steel Industries Geneva Steel Gulf States Steel Inland Steel Industries LTV Steel Lukens Steel National Steel Nextech Sharon Steel Theis Precision Steel Thompson Steel U.S. Steel WCI Steel Weirton Steel United Steelworkers of America
A-588-826 .....	731-TA-617	Corrosion-resistant carbon steel flat products/Japan	Bethlehem Steel California Steel Industries Geneva Steel Gulf States Steel Lukens Steel Nextech Sharon Steel

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Theis Precision Steel Thompson Steel U.S. Steel WCI Steel Weirton Steel United Steelworkers of America
A-580-816 .....	731-TA-618	Corrosion-resistant carbon steel flat products/Korea	Armco Steel Bethlehem Steel California Steel Industries Geneva Steel Gulf States Steel Inland Steel Industries LTV Steel Lukens Steel National Steel Nextech Sharon Steel Theis Precision Steel Thompson Steel U.S. Steel WCI Steel Weirton Steel United Steelworkers of America
A-570-815 .....	731-TA-538	Sulfanilic acid/China .....	R-M Industries
A-533-806 .....	731-TA-561	Sulfanilic acid/India .....	R-M Industries
C-533-807 .....	701-TA-318	Sulfanilic acid/India .....	R-M Industries
A-570-806 .....	731-TA-472	Silicon metal/China .....	American Alloys Elkem Metals Globe Metallurgical Silicon Metaltech SiMETCO SKW Alloys International Union of Electronics, Electrical, Machine and Furniture Workers (Local 693) Oil, Chemical and Atomic Workers (Local 389) Textile Processors, Service Trades, Health Care Professional and Technical Employees (Local 60) United Steelworkers of America (Locals 5171, 8538, and 12646)
A-351-806 .....	731-TA-471	Silicon metal/Brazil .....	American Alloys Globe Metallurgical Silicon Metaltech SiMETCO International Union of Electronics, Electrical, Machine and Furniture Workers (Local 693) Oil, Chemical and Atomic Workers (Local 389) Textile Processors, Service Trades, Health Care Professional and Technical Employees (Local 60) United Steelworkers of America (Locals 5171, 8538, and 12646)
A-357-804 .....	731-TA-470	Silicon metal/Argentina .....	American Alloys Elkem Metals Globe Metallurgical Silicon Metaltech SiMETCO SKW Alloys International Union of Electronics, Electrical, Machine and Furniture Workers (Local 693) Oil, Chemical and Atomic Workers (Local 389) Textile Processors, Service Trades, Health Care Professional and Technical Employees (Local 60) United Steelworkers of America (Locals 5171, 8538, and 12646)
A-570-819 .....	731-TA-567	Ferrosilicon/China .....	AIMCOR Alabama Silicon American Alloys

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Globe Metallurgical Silicon Metaltech Oil, Chemical and Atomic Workers (Local 389) United Autoworkers of America (Local 523) United Steelworkers of America (Locals 2528, 3081, 5171, and 12646)
A-843-804 .....	731-TA-566	Ferrosilicon/Kazakhstan .....	AIMCOR Alabama Silicon American Alloys Globe Metallurgical Silicon Metaltech Oil, Chemical and Atomic Workers (Local 389) United Autoworkers of America (Local 523) United Steelworkers of America (Locals 2528, 3081, 5171, and 12646)
A-823-804 .....	731-TA-569	Ferrosilicon/Ukraine .....	AIMCOR Alabama Silicon American Alloys Globe Metallurgical Silicon Metaltech Oil, Chemical and Atomic Workers (Local 389) United Autoworkers of America (Local 523) United Steelworkers of America (Locals 2528, 3081, 5171, and 12646)
C-307-808 .....	303-TA-23	Ferrosilicon/Venezuela .....	AIMCOR Alabama Silicon American Alloys Globe Metallurgical Silicon Metaltech Oil, Chemical and Atomic Workers (Local 389) United Autoworkers of America (Local 523) United Steelworkers of America (Locals 2528, 3081, 5171, and 12646)
A-821-804 .....	731-TA-568	Ferrosilicon/Russia .....	AIMCOR Alabama Silicon American Alloys Globe Metallurgical Silicon Metaltech Oil, Chemical and Atomic Workers (Local 389) United Autoworkers of America (Local 523) United Steelworkers of America (Locals 2528, 3081, 5171, and 12646)
A-307-807 .....	731-TA-570	Ferrosilicon/Venezuela .....	AIMCOR Alabama Silicon American Alloys Globe Metallurgical Silicon Metaltech Oil, Chemical and Atomic Workers (Local 389) United Autoworkers of America (Local 523) United Steelworkers of America (Locals 2528, 3081, 5171, and 12646)
A-351-820 .....	731-TA-641	Ferrosilicon/Brazil .....	AIMCOR Alabama Silicon American Alloys Globe Metallurgical Silicon Metaltech Oil, Chemical and Atomic Workers (Local 389) United Autoworkers of America (Local 523) United Steelworkers of America (Locals 2528, 3081, 5171, and 12646)
A-823-805 .....	731-TA-673	Silicomanganese/Ukraine .....	Elkem Metals Oil, Chemical and Atomic Workers (Local 3639)
A-351-824 .....	731-TA-671	Silicomanganese/Brazil .....	Elkem Metals Oil, Chemical and Atomic Workers (Local 3639)
A-570-828 .....	731-TA-672	Silicomanganese/China .....	Elkem Metals



Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Oil, Chemical and Atomic Workers (Local 3639)
A-583-820 .....	731-TA-625	Helical spring lock washers/Taiwan .....	Illinois Tool Works
A-570-822 .....	731-TA-624	Helical spring lock washers/China .....	Illinois Tool Works
A-533-809 .....	731-TA-639	Forged stainless steel flanges/India .....	Gerlin Ideal Forging Maass Flange Markovitz Enterprises
A-583-821 .....	731-TA-640	Forged stainless steel flanges/Taiwan .....	Gerlin Ideal Forging Maass Flange Markovitz Enterprises
A-421-805 .....	731-TA-652	Aramid fiber/Netherlands .....	E.I. du Pont de Nemours
C-475-812 .....	701-TA-355	Grain-oriented silicon electrical steel/Italy .....	Allegheny Ludlum Armco Steel Butler Armco Independent Union United Steelworkers of America Zanesville Armco Independent Union
A-588-831 .....	731-TA-660	Grain-oriented silicon electrical steel/Japan .....	Allegheny Ludlum Armco Steel United Steelworkers of America
A-475-811 .....	731-TA-659	Grain-oriented silicon electrical steel/Italy .....	Allegheny Ludlum Armco Steel Butler Armco Independent Union United Steelworkers of America Zanesville Armco Independent Union
A-570-831 .....	731-TA-683	Fresh garlic/China .....	A&D Christopher Ranch Belridge Packing Colusa Produce Denice & Filice Packing El Camino Packing The Garlic Company Vessey and Company
A-570-826 .....	731-TA-663	Paper clips/China .....	ACCO USA Labelon/Noesting TRICO Manufacturing
A-570-827 .....	731-TA-669	Cased pencils/China .....	Blackfeet Indian Writing Instrument Dixon-Ticonderoga Empire Berol Faber-Castell General Pencil J.R. Moon Pencil Musgrave Pen & Pencil Panda Writing Instrument Manufacturers Association, Pencil Section
A-570-830 .....	731-TA-677	Coumarin/China .....	Rhone-Poulenc
A-351-825 .....	731-TA-678	Stainless steel bar/Brazil .....	AL Tech Specialty Steel Carpenter Technology Crucible Specialty Metals Electralloy Republic Engineered Steels Slater Steels Talley Metals Technology United Steelworkers of America
A-533-810 .....	731-TA-679	Stainless steel bar/India .....	AL Tech Specialty Steel Carpenter Technology Crucible Specialty Metals Electralloy Republic Engineered Steels Slater Steels

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Talley Metals Technology United Steelworkers of America
A-588-833 .....	731-TA-681	Stainless steel bar/Japan .....	AL Tech Specialty Steel Carpenter Technology Crucible Specialty Metals Electralloy Republic Engineered Steels Slater Steels Talley Metals Technology United Steelworkers of America
A-469-805 .....	731-TA-682	Stainless steel bar/Spain .....	AL Tech Specialty Steel Carpenter Technology Crucible Specialty Metals Electralloy Republic Engineered Steels Slater Steels Talley Metals Technology United Steelworkers of America
A-570-836 .....	731-TA-718	Glycine/China .....	Chattem Hampshire Chemical
A-570-832 .....	731-TA-696	Pure magnesium/China .....	Dow Chemical Magnesium Corporation of America International Union of Operating Engineers (Local 564) United Steelworkers of America (Local 8319)
A-570-835 .....	731-TA-703	Furfuryl alcohol/China .....	QO Chemicals
A-549-812 .....	731-TA-705	Furfuryl alcohol/Thailand .....	QO Chemicals
A-821-807 .....	731-TA-702	Ferrovandium and nitrided vanadium/Russia .....	Shieldalloy Metallurgical
A-549-813 .....	731-TA-706	Canned pineapple/Thailand .....	Maui Pineapple International Longshoreman's and Warehouseman's Union
A-357-809 .....	731-TA-707	Seamless pipe/Argentina .....	Koppel Steel Quanex Timken United States Steel
A-351-826 .....	731-TA-708	Seamless pipe/Brazil .....	Koppel Steel Quanex Timken United States Steel
A-428-820 .....	731-TA-709	Seamless pipe/Germany .....	Koppel Steel Quanex Timken United States Steel
A-475-814 .....	731-TA-710	Seamless pipe/Italy .....	Koppel Steel Quanex Timken United States Steel
C-475-815 .....	701-TA-362	Seamless pipe/Italy .....	Koppel Steel Quanex Timken United States Steel
C-475-817 .....	701-TA-364	Oil country tubular goods/Italy .....	IPSCO Koppel Steel Lone Star Steel Maverick Tube Newport Steel North Star Steel U.S. Steel USS/Kobe

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A-357-810 .....	731-TA-711	Oil country tubular goods/Argentina .....	IPSCO Koppel Steel Lone Star Steel Maverick Tube Newport Steel North Star Steel U.S. Steel USS/Kobe
A-475-816 .....	731-TA-713	Oil country tubular goods/Italy .....	Bellville Tube IPSCO Koppel Steel Lone Star Steel Maverick Tube Newport Steel North Star Steel U.S. Steel USS/Kobe
A-588-835 .....	731-TA-714	Oil country tubular goods/Japan .....	IPSCO Koppel Steel Maverick Tube Newport Steel North Star Steel U.S. Steel
A-580-825 .....	731-TA-715	Oil country tubular goods/Korea .....	Bellville Tube IPSCO Koppel Steel Lone Star Steel Maverick Tube Newport Steel North Star Steel U.S. Steel USS/Kobe
A-201-817 .....	731-TA-716	Oil country tubular goods/Mexico .....	IPSCO Koppel Steel Maverick Tube Newport Steel North Star Steel U.S. Steel USS/Kobe
A-570-840 .....	731-TA-724	Manganese metal/China .....	Elkem Metals Kerr-McGee
A-570-842 .....	731-TA-726	Polyvinyl alcohol/China .....	Air Products and Chemicals
A-588-836 .....	731-TA-727	Polyvinyl alcohol/Japan .....	Air Products and Chemicals
A-583-824 .....	731-TA-729	Polyvinyl alcohol/Taiwan .....	Air Products and Chemicals
A-588-838 .....	731-TA-739	Clad steel plate/Japan .....	Lukens Steel
C-475-819 .....	701-TA-365	Pasta/Italy .....	A. Zerega's Sons American Italian Pasta Borden D. Merlino & Sons Dakota Growers Pasta Foulds Gilster-Mary Lee Gooch Foods Hershey Foods Pasta USA Philadelphia Macaroni S.T. Specialty Foods
C-489-806 .....	701-TA-366	Pasta/Turkey .....	A. Zerega's Sons American Italian Pasta Borden D. Merlino & Sons Dakota Growers Pasta Foulds

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Gilster-Mary Lee Gooch Foods Hershey Foods Pasta USA Philadelphia Macaroni S.T. Specialty Foods
A-475-818 .....	731-TA-734	Pasta/Italy .....	A. Zerega's Sons American Italian Pasta Borden D. Merlino & Sons Dakota Growers Pasta Foulds GilsterMary Lee Gooch Foods Hershey Foods Pasta USA Philadelphia Macaroni S.T. Specialty Foods
A-489-805 .....	731-TA-735	Pasta/Turkey .....	A. Zerega's Sons American Italian Pasta Borden D. Merlino & Sons Dakota Growers Pasta Foulds GilsterMary Lee Gooch Foods Hershey Foods Pasta USA Philadelphia Macaroni S.T. Specialty Foods
A-428-821 .....	731-TA-736	Large newspaper printing presses/Germany .....	Rockwell Graphics Systems
A-588-837 .....	731-TA-737	Large newspaper printing presses/Japan .....	Rockwell Graphics Systems
A-201-820 .....	731-TA-747	Fresh tomatoes/Mexico .....	Accomack County Farm Bureau Ad Hoc Group of Florida, California, Georgia, Pennsylvania, South Carolina, Tennessee, and Virginia Tomato Growers Florida Farm Bureau Federation Florida Fruit and Vegetable Association Florida Tomato Exchange Florida Tomato Growers Exchange Gadsden County Tomato Growers Association South Carolina Tomato Association
A-588-839 .....	731-TA-740	Sodium azide/Japan .....	American Azide
A-570-844 .....	731-TA-741	Melamine institutional dinnerware/China .....	Carlisle Food Service Lexington United Plastics Manufacturing
A-560-801 .....	731-TA-742	Melamine institutional dinnerware/Indonesia .....	Carlisle Food Service Lexington United Plastics Manufacturing
A-583-825 .....	731-TA-743	Melamine institutional dinnerware/Taiwan .....	Carlisle Food Service Products Lexington United Plastics Manufacturing
A-570-846 .....	731-TA-744	Brake rotors/China .....	Brake Parts Coalition for the Preservation of American Brake Drum and Rotor Aftermarket Manufacturers Kelsey Hayes Kinetic Parts Manufacturing Iroquois Tool Systems Overseas Auto Parts Wagner Brake
A-489-807 .....	731-TA-745	Steel concrete reinforcing bar/Turkey .....	AmeriSteel Auburn Steel

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Birmingham Steel Commercial Metals Marion Steel New Jersey Steel
A-588-840 .....	731-TA-748	Gas turbocompressor systems/Japan .....	Demag Delaval Dresser-Rand United Steelworkers of America
A-570-847 .....	731-TA-749	Persulfates/China .....	FMC
A-570-848 .....	731-TA-752	Crawfish tail meat/China .....	A&S Crawfish Acadiana Fisherman's Coop Arnaudville Seafood Atchafalaya Crawfish Processors Basin Crawfish Processors Bayou Land Seafood Becnel's Meat & Seafood Bellard's Poultry & Crawfish Bonanza Crawfish Farm Cajun Seafood Distributors Carl's Seafood Catahoula Crawfish Choplin SFD C.J.'s Seafood & Purged Crawfish Clearwater Crawfish Harvey's Seafood Louisiana Premium Seafoods Louisiana Seafood Lawtell Crawfish Processors Phillips Seafood Prairie Cajun Wholesale Seafood Dist. Riceland Crawfish Seafood International Distributors Sylvester's Processors Teche Valley Seafood L.T. West Crawfish Processors Alliance
A-588-841 .....	731-TA-750	Vector supercomputers/Japan .....	Cray Research
A-570-849 .....	731-TA-753	Cut-to-length carbon steel plate/China .....	Bethlehem Steel Geneva Steel Gulf States Steel National Steel U.S. Steel United Steelworkers of America
A-821-808 .....	731-TA-754	Cut-to-length carbon steel plate/Russia .....	Bethlehem Steel Geneva Steel Gulf States Steel National Steel U.S. Steel United Steelworkers of America
A-791-804 .....	731-TA-755	Cut-to-length carbon steel plate/South Africa .....	Bethlehem Steel Geneva Steel Gulf States Steel National Steel U.S. Steel United Steelworkers of America
A-823-808 .....	731-TA-756	Cut-to-length carbon steel plate/Ukraine .....	Bethlehem Steel Geneva Steel Gulf States Steel National Steel U.S. Steel United Steelworkers of America
A-570-850 .....	731-TA-757	Collated roofing nails/China .....	Illinois Tool Works International Staple and Machines

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Stanley-Bostitch
A-583-826 .....	731-TA-759	Collated roofing nails/Taiwan .....	Illinois Tool Works International Staple and Machines Stanley-Bostitch
A-583-827 .....	731-TA-762	SRAMs/Taiwan .....	Micron Technology
A-337-803 .....	731-TA-768	Fresh Atlantic salmon/Chile .....	Atlantic Salmon of Maine Cooke Aquaculture US DE Salmon Global Aqua USA Island Aquaculture Maine Coast Nordic Scan Am Fish Farms Treats Island Fisheries Trumpet Island Salmon Farm
C-475-821 .....	701-TA-373	Stainless steel wire rod/Italy .....	AL Tech Specialty Steel Carpenter Technology Republic Engineered Steels Talley Metals Technology United Steelworkers of America
A-475-820 .....	731-TA-770	Stainless steel wire rod/Italy .....	AL Tech Specialty Steel Carpenter Technology Republic Engineered Steels Talley Metals Technology United Steelworkers of America
A-588-843 .....	731-TA-771	Stainless steel wire rod/Japan .....	AL Tech Specialty Steel Carpenter Technology Republic Engineered Steels Talley Metals Technology United Steelworkers of America
A-580-829 .....	731-TA-772	Stainless steel wire rod/Korea .....	AL Tech Specialty Steel Carpenter Technology Republic Engineered Steels Talley Metals Technology United Steelworkers of America
A-469-807 .....	731-TA-773	Stainless steel wire rod/Spain .....	AL Tech Specialty Steel Carpenter Technology Republic Engineered Steels Talley Metals Technology United Steelworkers of America
A-401-806 .....	731-TA-774	Stainless steel wire rod/Sweden .....	AL Tech Specialty Steel Carpenter Technology Republic Engineered Steels Talley Metals Technology United Steelworkers of America
A-583-828 .....	731-TA-775	Stainless steel wire rod/Taiwan .....	AL Tech Specialty Steel Carpenter Technology Republic Engineered Steels Talley Metals Technology United Steelworkers of America
A-337-804 .....	731-TA-776	Preserved mushrooms/Chile .....	L.K. Bowman Modern Mushroom Farms Monterey Mushrooms Mount Laurel Canning Mushroom Canning Southwood Farms Sunny Dell Foods United Canning
A-570-851 .....	731-TA-777	Preserved mushrooms/China .....	L.K. Bowman Modern Mushroom Farms Monterey Mushrooms Mount Laurel Canning Mushroom Canning

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Southwood Farms Sunny Dell Foods United Canning
A-533-813 .....	731-TA-778	Preserved mushrooms/India .....	L.K. Bowman Modern Mushroom Farms Monterey Mushrooms Mount Laurel Canning Mushroom Canning Southwood Farms Sunny Dell Foods United Canning
A-560-802 .....	731-TA-779	Preserved mushrooms/Indonesia .....	L.K. Bowman Modern Mushroom Farms Monterey Mushrooms Mount Laurel Canning Mushroom Canning Southwood Farms Sunny Dell Foods United Canning
C-423-809 .....	701-TA-376	Stainless steel plate in coils/Belgium .....	Allegheny Ludlum Armco Steel Lukens Steel North American Stainless United Steelworkers of America
C-475-823 .....	701-TA-377	Stainless steel plate in coils/Italy .....	Allegheny Ludlum Armco Steel J&L Specialty Steel Lukens Steel North American Stainless United Steelworkers of America
C-791-806 .....	701-TA-379	Stainless steel plate in coils/South Africa .....	Allegheny Ludlum Armco Steel J&L Specialty Steel Lukens Steel North American Stainless United Steelworkers of America
A-423-808 .....	731-TA-788	Stainless steel plate in coils/Belgium .....	Allegheny Ludlum Armco Steel Lukens Steel North American Stainless United Steelworkers of America
A-122-830 .....	731-TA-789	Stainless steel plate in coils/Canada .....	Allegheny Ludlum Armco Steel J&L Specialty Steel Lukens Steel North American Stainless
A-475-822 .....	731-TA-790	Stainless steel plate in coils/Italy .....	Allegheny Ludlum Armco Steel J&L Specialty Steel Lukens Steel North American Stainless United Steelworkers of America
A-580-831 .....	731-TA-791	Stainless steel plate in coils/Korea .....	Allegheny Ludlum Armco Steel J&L Specialty Steel Lukens Steel North American Stainless United Steelworkers of America
A-791-805 .....	731-TA-792	Stainless steel plate in coils/South Africa .....	Allegheny Ludlum Armco Steel J&L Specialty Steel Lukens Steel North American Stainless

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			United Steelworkers of America
A-583-830 .....	731-TA-793	Stainless steel plate in coils/Taiwan .....	Allegheny Ludlum Armco Steel J&L Specialty Steel Lukens Steel North American Stainless United Steelworkers of America
A-560-803 .....	731-TA-787	Extruded rubber thread/Indonesia .....	North American Rubber Thread
A-588-846 .....	731-TA-807	Hotrolled carbon steel flat products/Japan .....	Bethlehem Steel California Steel Industries Gallatin Steel Geneva Steel Gulf States Steel IPSCO Ispat/Inland LTV Steel Nucor Steel Dynamics U.S. Steel WCI Weirton Steel Independent Steelworkers United Steelworkers of America
C-351-829 .....	701-TA-384	Hotrolled carbon steel flat products/Brazil .....	Bethlehem Steel California Steel Industries Gallatin Steel Geneva Steel Gulf States Steel IPSCO Ispat/Inland LTV Steel National Steel Nucor Steel Dynamics U.S. Steel WCI Weirton Steel Independent Steelworkers United Steelworkers of America
A-351-828 .....	731-TA-806	Hotrolled carbon steel flat products/Brazil .....	Bethlehem Steel California Steel Industries Gallatin Steel Geneva Steel Gulf States Steel IPSCO Ispat/Inland LTV Steel National Steel Nucor Steel Dynamics U.S. Steel WCI Weirton Steel Independent Steelworkers United Steelworkers of America
A-821-809 .....	731-TA-808	Hotrolled carbon steel flat products/Russia .....	Bethlehem Steel California Steel Industries Gallatin Steel Geneva Steel Gulf States Steel IPSCO Ispat/Inland LTV Steel National Steel Nucor Steel Dynamics U.S. Steel



Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			WCI Weirton Steel Independent Steelworkers United Steelworkers of America
A-427-814 .....	731-TA-797	Stainless steel sheet and strip/France .....	Allegheny Ludlum Armco Steel Bethlehem Steel Butler Armco Independent Union North American Stainless United Steelworkers of America Zanesville Armco Independent Organization
A-428-825 .....	731-TA-798	Stainless steel sheet and strip/Germany .....	Allegheny Ludlum Armco Steel Bethlehem Steel J&L Specialty Steel Butler Armco Independent Union North American Stainless United Steelworkers of America Zanesville Armco Independent Organization
A-475-824 .....	731-TA-799	Stainless steel sheet and strip/Italy .....	Allegheny Ludlum Armco Steel Bethlehem Steel J&L Specialty Steel Butler Armco Independent Union North American Stainless United Steelworkers of America Zanesville Armco Independent Organization
A-588-845 .....	731-TA-800	Stainless steel sheet and strip/Japan .....	Allegheny Ludlum Armco Steel Bethlehem Steel J&L Specialty Steel Butler Armco Independent Union North American Stainless United Steelworkers of America Zanesville Armco Independent Organization
A-580-834 .....	731-TA-801	Stainless steel sheet and strip/Korea .....	Allegheny Ludlum Armco Steel Bethlehem Steel J&L Specialty Steel Butler Armco Independent Union North American Stainless United Steelworkers of America Zanesville Armco Independent Organization
A-201-822 .....	731-TA-802	Stainless steel sheet and strip/Mexico .....	Allegheny Ludlum Armco Bethlehem Steel J&L Specialty Steel North American Stainless United Steelworkers of America
A-583-831 .....	731-TA-803	Stainless steel sheet and strip/Taiwan .....	Allegheny Ludlum Armco Steel Bethlehem Steel J&L Specialty Steel Butler Armco Independent Union North American Stainless United Steelworkers of America Zanesville Armco Independent Organization
A-412-818 .....	731-TA-804	Stainless steel sheet and strip/United Kingdom .....	Allegheny Ludlum Armco Steel Bethlehem Steel J&L Specialty Steel Butler Armco Independent Union North American Stainless United Steelworkers of America Zanesville Armco Independent Organization

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
C-427-815 .....	701-TA-380	Stainless steel sheet and strip/France .....	Allegheny Ludlum Armco Steel Bethlehem Steel Butler Armco Independent Union North American Stainless United Steelworkers of America Zanesville Armco Independent Organization
C-475-825 .....	701-TA-381	Stainless steel sheet and strip/Italy .....	Allegheny Ludlum Armco Steel Bethlehem Steel J&L Specialty Steel Butler Armco Independent Union North American Stainless United Steelworkers of America Zanesville Armco Independent Organization
C-580-835 .....	701-TA-382	Stainless steel sheet and strip/Korea .....	Allegheny Ludlum Armco Steel Bethlehem Steel J&L Specialty Steel Butler Armco Independent Union North American Stainless United Steelworkers of America Zanesville Armco Independent Organization
A-570-852 .....	731-TA-814	Creatine monohydrate/China .....	Pfanzstiehl Laboratories
C-427-817 .....	701-TA-387	Cut-to-length carbon steel plate/France .....	Bethlehem Steel Geneva Steel IPSCO Steel National Steel U.S. Steel United Steelworkers of America
C-533-818 .....	701-TA-388	Cut-to-length carbon steel plate/India .....	Bethlehem Steel Geneva Steel Gulf States Steel IPSCO Steel National Steel Tuscaloosa Steel U.S. Steel United Steelworkers of America
C-560-806 .....	701-TA-389	Cut-to-length carbon steel plate/Indonesia .....	Bethlehem Steel Geneva Steel Gulf States Steel IPSCO Steel National Steel Tuscaloosa Steel U.S. Steel United Steelworkers of America
C-475-827 .....	701-TA-390	Cut-to-length carbon steel plate/Italy .....	Bethlehem Steel Geneva Steel Gulf States Steel IPSCO Steel National Steel U.S. Steel United Steelworkers of America
C-580-837 .....	701-TA-391	Cut-to-length carbon steel plate/Korea .....	Bethlehem Steel Geneva Steel Gulf States Steel IPSCO Steel National Steel Tuscaloosa Steel U.S. Steel United Steelworkers of America
A-427-816 .....	731-TA-816	Cut-to-length carbon steel plate/France .....	Bethlehem Steel Geneva Steel IPSCO Steel National Steel

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			U.S. Steel United Steelworkers of America
A-533-817 .....	731-TA-817	Cut-to-length carbon steel plate/India .....	Bethlehem Steel Geneva Steel Gulf States Steel IPSCO Steel National Steel Tuscaloosa Steel U.S. Steel United Steelworkers of America
A-560-805 .....	731-TA-818	Cut-to-length carbon steel plate/Indonesia .....	Bethlehem Steel Geneva Steel Gulf States Steel IPSCO Steel National Steel Tuscaloosa Steel U.S. Steel United Steelworkers of America
A-475-826 .....	731-TA-819	Cut-to-length carbon steel plate/Italy .....	Bethlehem Steel Geneva Steel Gulf States Steel IPSCO Steel National Steel U.S. Steel United Steelworkers of America
A-588-847 .....	731-TA-820	Cut-to-length carbon steel plate/Japan .....	Bethlehem Steel Geneva Steel Gulf States Steel IPSCO Steel Tuscaloosa Steel U.S. Steel United Steelworkers of America
A-580-836 .....	731-TA-821	Cut-to-length carbon steel plate/Korea .....	Bethlehem Steel Geneva Steel Gulf States Steel IPSCO Steel National Steel Tuscaloosa Steel U.S. Steel United Steelworkers of America
A-507-502 .....	731-TA-287	Raw in-shell pistachios/Iran .....	Blackwell Land California Pistachio Orchard T.M. Duche Nut Keenan Farms Kern Pistachio Hulling & Drying Los Ranchos de Poco Pedro Pistachio Producers of California
C-507-501 .....	None	Raw in-shell pistachios/Iran .....	No case at the Commission; no service list at Commerce
C-507-601 .....	None	Roasted in-shell pistachios/Iran .....	No case at the Commission; no service list at Commerce
A-821-811 .....	731-TA-856	Ammonium nitrate/Russia .....	Agrium Air Products and Chemicals Mississippi Chemical El Dorado Chemical Nitram La Roche WilGro Fertilizer
A-580-839 .....	731-TA-825	Polyester staple fiber/Korea .....	E.I. du Pont de Nemours Arteva Specialties S.a.r.l. Wellman Intercontinental Polymers
A-583-833 .....	731-TA-826	Polyester staple fiber/Taiwan .....	Arteva Specialties S.a.r.l.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Wellman Intercontinental Polymers
A-570-855 .....	731-TA-841	Non-frozen apple juice concentrate/China .....	Coloma Frozen Foods Green Valley Apples of California Knouse Foods Coop Mason County Fruit Packers Coop Tree Top
A-588-852 .....	731-TA-853	Structural steel beams/Japan .....	Northwestern Steel and Wire Nucor Nucor-Yamato Steel TXI-Chaparral Steel United Steelworkers of America
C-580-842 .....	701-TA-401	Structural steel beams/Korea .....	Northwestern Steel and Wire Nucor Nucor-Yamato Steel TXI-Chaparral Steel United Steelworkers of America
A-580-841 .....	731-TA-854	Structural steel beams/Korea .....	Northwestern Steel and Wire Nucor Nucor-Yamato Steel TXI-Chaparral Steel United Steelworkers of America
A-570-856 .....	731-TA-851	Synthetic indigo/China .....	Buffalo Color United Steelworkers of America
A-588-850 .....	731-TA-847	Large- diameter carbon steel seamless pipe/Japan	North Star Steel Timken U.S. Steel USS/Kobe United Steelworkers of America
A-588-851 .....	731-TA-847	Small-diameter carbon steel seamless pipe/Japan ..	Koppel Steel North Star Steel Sharon Tube Timken U.S. Steel USS/Kobe Vision Metals' Gulf States Tube United Steelworkers of America
A-791-808 .....	731-TA-850	Small-diameter carbon steel seamless pipe/South Africa.	Koppel Steel North Star Steel Sharon Tube Timken U.S. Steel USS/Kobe Vision Metals' Gulf States Tube United Steelworkers of America
A-485-805 .....	731-TA-849	Small-diameter carbon steel seamless pipe/Romania.	Koppel Steel North Star Steel Sharon Tube Timken U.S. Steel USS/Kobe Vision Metals' Gulf States Tube United Steelworkers of America
A-201-827 .....	731-TA-848	Large-diameter carbon steel seamless pipe/Mexico	North Star Steel Timken U.S. Steel USS/Kobe United Steelworkers of America
A-851-802 .....	731-TA-846	Small-diameter carbon steel seamless pipe/Czech Republic.	Koppel Steel North Star Steel

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Sharon Tube Timken U.S. Steel USS/Kobe Vision Metals' Gulf States Tube United Steelworkers of America
A-570-853 .....	731-TA-828	Aspirin/China .....	Rhodia
A-580-812 .....	731-TA-556	DRAMs of 1 megabit and above/Korea .....	Micron Technology NEC Electronics Texas Instruments
A-475-828 .....	731-TA-865	Stainless steel butt-weld pipe fittings/Italy .....	Markovitz Enterprises Gerlin Shaw Alloy Piping Products Taylor Forge Stainless
A-557-809 .....	731-TA-866	Stainless steel butt-weld pipe fittings/Malaysia .....	Markovitz Enterprises Gerlin Shaw Alloy Piping Products Taylor Forge Stainless
A-565-801 .....	731-TA-867	Stainless steel butt-weld pipe fittings/Philippines .....	Markovitz Enterprises Gerlin Shaw Alloy Piping Products Taylor Forge Stainless
A-588-856 .....	731-TA-888	Stainless steel angle/Japan .....	Slater Steels United Steelworkers of America
A-580-846 .....	731-TA-889	Stainless steel angle/Korea .....	Slater Steels United Steelworkers of America
A-469-810 .....	731-TA-890	Stainless steel angle/Spain .....	Slater Steels United Steelworkers of America
A-588-015 .....	AA1921-66	Television receivers/Japan .....	AGIV (USA) Casio Computer CBM America Citizen Watch Funai Electric Hitachi Industrial Union Department Matsushita Mitsubishi Electric NEC Orion Electric J.C. Penny Philips Electronics Philips Magnavox P.T. Imports Sanyo Sharp Toshiba Toshiba America Consumer Products Victor Company of Japan Montgomery Ward Zenith Electronics
A-822-804 .....	731-TA-873	Steel concrete reinforcing bar/Belarus .....	AmeriSteel Auburn Steel Birmingham Steel Border Steel CMC Steel Group Marion Steel Nucor Steel Rebar Trade Action Coalition Riverview Steel Sheffield Steel
A-570-860 .....	731-TA-874	Steel concrete reinforcing bar/China .....	AmeriSteel Auburn Steel

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Birmingham Steel Border Steel CMC Steel Group Marion Steel Nucor Steel Rebar Trade Action Coalition Riverview Steel Sheffield Steel
A-560-811 .....	731-TA-875	Steel concrete reinforcing bar/Indonesia .....	AmeriSteel Birmingham Steel Border Steel CMC Steel Group Marion Steel Nucor Steel Rebar Trade Action Coalition Riverview Steel Sheffield Steel
A-580-844 .....	731-TA-877	Steel concrete reinforcing bar/Korea .....	AmeriSteel Auburn Steel Birmingham Steel Border Steel CMC Steel Group Marion Steel Nucor Steel Rebar Trade Action Coalition Riverview Steel Sheffield Steel
A-449-804 .....	731-TA-878	Steel concrete reinforcing bar/Latvia .....	AmeriSteel Auburn Steel Birmingham Steel Border Steel CMC Steel Group Marion Steel Nucor Steel Rebar Trade Action Coalition Riverview Steel Sheffield Steel
A-841-804 .....	731-TA-879	Steel concrete reinforcing bar/Moldova .....	AmeriSteel Auburn Steel Birmingham Steel Border Steel CMC Steel Group Marion Steel Nucor Steel Rebar Trade Action Coalition Riverview Steel Sheffield Steel
A-455-803 .....	731-TA-880	Steel concrete reinforcing bar/Poland .....	AmeriSteel Auburn Steel Birmingham Steel Border Steel CMC Steel Group Marion Steel Nucor Steel Rebar Trade Action Coalition Riverview Steel Sheffield Steel
A-823-809 .....	731-TA-882	Steel concrete reinforcing bar/Ukraine .....	AmeriSteel Auburn Steel Birmingham Steel Border Steel CMC Steel Group Marion Steel Nucor Steel Rebar Trade Action Coalition Riverview Steel

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Sheffield Steel
A-823-810 .....	731-TA-894	Ammonium nitrate/Ukraine .....	Agrium Air Products and Chemicals Committee for Fair Ammonium Nitrate Trade El Dorado Chemical LaRoche Industries Mississippi Chemicals Nitram Prodica
A-570-862 .....	731-TA-891	Foundry coke/China .....	ABC Coke Citizens Gas and Coke Utility Erie Coke Tonawanda Coke United Steelworkers of America
C-357-815 .....	701-TA-404	Hot-rolled steel products/Argentina .....	Bethlehem Steel Gallatin Steel IPSCO LTV Steel National Steel Nucor Steel Dynamics U.S. Steel Weirton Steel Independent Steelworkers United Steelworkers of America
A-357-814 .....	731-TA-898	Hot-rolled steel products/Argentina .....	Bethlehem Steel Gallatin Steel IPSCO LTV Steel National Steel Nucor Steel Dynamics U.S. Steel Weirton Steel Independent Steelworkers United Steelworkers of America
A-791-809 .....	731-TA-905	Hot-rolled steel products/South Africa .....	Bethlehem Steel Gallatin Steel IPSCO LTV Steel National Steel Nucor Steel Dynamics U.S. Steel Weirton Steel Independent Steelworkers United Steelworkers of America
A-580-008 .....	731-TA-134	Color Television receivers/Korea .....	Independent Radionic Workers of America International Brotherhood of Electrical Workers International Union of Electrical, Radio and Machine Workers Industrial Union Department, AFL-CIO Committee to Preserve American Color Television
A-583-009 .....	731-TA-135	Color television receivers/Taiwan .....	Independent Radionic Workers of America International Brotherhood of Electrical Workers International Union of Electrical, Radio and Machine Workers Industrial Union Department, AFL-CIO Committee to Preserve American Color Television
A-122-006 .....	AA1921-49	Steel jacks/Canada .....	Bloomfield Manufacturing (Harrah) Seaburn Metal Products
A-588-029 .....	AA1921-85	Fish netting of manmade fiber/Japan .....	Jovanovich Supply LFSI Trans-Pacific Trading

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
A-588-038 .....	AA1921-98	Bicycle speedometers/Japan .....	Avocet Cat Eye Diversified Products N.S. International Sanyo Electric Stewart-Warner
A-588-055 .....	AA1921-154	Acrylic sheet/Japan .....	Polycast Technology
C-351-037 .....	104-TA-A21	Cotton Yarn/Brazil .....	Harriet & Henderson Yarns LaFar Industries American Yarn Spinners Association
A-588-005 .....	731-TA-48	High power microwave amplifiers/Japan .....	Aydin MCL
A-122-401 .....	731-TA-196	Red raspberries/Canada .....	Rader farms Ron Roberts Shuksan Frozen Food Northwest Food Producers Association Oregon Caneberry Commission Washington Red Raspberry Commission
A-588-405 .....	731-TA-207	Cellular mobile telephones/Japan .....	E.F. Johnson Motorola
C-421-601 .....	701-TA-278	Fresh cut flowers/Netherlands .....	Burdette Coward Gold Coast Uanko Nursery Hollandia Wholesale Florist Manatee Fruit Monterey Flower Farms Topstar Nursery California Floral Council Floral Trade Council Florida Flower Association
A-301-602 .....	731-TA-329	Fresh cut flowers/Colombia .....	Burdette Coward Gold Coast Uanko Nursery Hollandia Wholesale Florist Manatee Fruit Monterey Flower Farms Pajaro Valley Greenhouses Topstar Nursery California Floral Council Floral Trade Council Florida Flower Association
A-331-602 .....	731-TA-331	Fresh cut flowers/Ecuador .....	Burdette Coward Gold Coast Uanko Nursery Hollandia Wholesale Florist Manatee Fruit Monterey Flower Farms Topstar Nursery California Floral Council Floral Trade Council Florida Flower Association
A-201-601 .....	731-TA-333	Fresh cut flowers/Mexico .....	Burdette Coward Gold Coast Uanko Nursery Hollandia Wholesale Florist Manatee Fruit Monterey Flower Farms Topstar Nursery California Floral Council Floral Trade Council Florida Flower Association
A-401-603 .....	731-TA-354	Stainless steel hollow products/Sweden .....	AL Tech Specialty steel Allegheny Ludlum Steel ARMCO Carpenter Technology Crucible Materials



Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Damascus Tubular Products Specialty Tubing Group
A-508-604 .....	731-TA-366	Industrial phosphoric acid/Israel .....	Albright & Wilson FMC Hydrite Chemical Monsanto Stauffer Chemical
A-588-802 .....	731-TA-389	3.5" microdisks/Japan .....	Verbatim
A-588-809 .....	731-TA-426	Small business telephone systems/Japan .....	American Telephone & Telegraph Comdial Eagle Telephonic
A-583-806 .....	731-TA-428	Small business telephone systems/Taiwan .....	American Telephone & Telegraph Comdial Eagle Telephonic
A-580-803 .....	731-TA-427	Small business telephone systems/Korea .....	American Telephone & Telegraph Comdial Eagle Telephonic
A-570-811 .....	731-TA-497	Tungsten ore concentrates/China .....	Curtis Tungsten U.S. Tungsten
A-427-804 .....	731-TA-553	Hot-rolled lead and bismuth carbon steel products/ France.	Bethlehem Steel Inland Steel Industries USS/Kobe Steel
C-427-805 .....	701-TA-315	Hot-rolled lead and bismuth carbon steel products/ France.	Bethlehem Steel Inland Steel Industries USS/Kobe Steel
A-588-823 .....	731-TA-571	Professional electric cutting tools/Japan .....	Black & Decker
A-821-805 .....	731-TA-697	Pure magnesium/Russia .....	Dow Chemical Magnesium Corporation of America International Union of Operating Engineers United Steelworkers of America
C-533-821 .....	701-TA-405	Hot-rolled steel products/India .....	Bethlehem Steel Gallatin Steel IPSCO LTV Steel National Steel Nucor Steel Dynamics U.S. Steel Weirton Steel Independent Steelworkers United Steelworkers of America
C-560-813 .....	701-TA-406	Hot-rolled steel products/Indonesia .....	Bethlehem Steel Gallatin Steel IPSCO LTV Steel National Steel Nucor Steel Dynamics U.S. Steel Weirton Steel Independent Steelworkers United Steelworkers of America
C-791-810 .....	701-TA-407	Hot-rolled steel products/South Africa .....	Bethlehem Steel Gallatin Steel IPSCO LTV Steel National Steel Nucor Steel Dynamics

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			U.S. Steel Weirton Steel Independent Steelworkers United Steelworkers of America
C-549-818 .....	701-TA-408	Hot-rolled steel products/Thailand .....	Bethlehem Steel Gallatin Steel IPSCO LTV Steel National Steel Nucor Steel Dynamics U.S. Steel Weirton Steel Independent Steelworkers United Steelworkers of America
A-570-865 .....	731-TA-899	Hot-rolled steel products/China .....	Bethlehem Steel Gallatin Steel IPSCO LTV Steel National Steel Nucor Steel Dynamics U.S. Steel Weirton Steel Independent Steelworkers United Steelworkers of America
A-533-820 .....	731-TA-900	Hot-rolled steel products/India .....	Bethlehem Steel Gallatin Steel IPSCO LTV Steel National Steel Nucor Steel Dynamics U.S. Steel Weirton Steel Independent Steelworkers United Steelworkers of America
A-560-812 .....	731-TA-901	Hot-rolled steel products/Indonesia .....	Bethlehem Steel Gallatin Steel IPSCO LTV Steel National Steel Nucor Steel Dynamics U.S. Steel Weirton Steel Independent Steelworkers United Steelworkers of America
A-834-806 .....	731-TA-902	Hot-rolled steel products/Kazakhstan .....	Bethlehem Steel Gallatin Steel IPSCO LTV Steel National Steel Nucor Steel Dynamics U.S. Steel Weirton Steel Independent Steelworkers United Steelworkers of America
A-421-807 .....	731-TA-903	Hot-rolled steel products/Netherlands .....	Bethlehem Steel Gallatin Steel IPSCO LTV Steel National Steel Nucor Steel Dynamics U.S. Steel

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Independent Steelworkers United Steelworkers of America
A-485-806 .....	731-TA-904	Hot-rolled steel products/Romania .....	Bethlehem Steel Gallatin Steel IPSCO LTV Steel National Steel Nucor Steel Dynamics U.S. Steel Independent Steelworkers United Steelworkers of America
A-583-835 .....	731-TA-906	Hot-rolled steel products/Taiwan .....	Bethlehem Steel Gallatin Steel IPSCO LTV Steel National Steel Nucor Steel Dynamics U.S. Steel Weirton Steel Independent Steelworkers United Steelworkers of America
A-549-817 .....	731-TA-907	Hot-rolled steel products/Thailand .....	Bethlehem Steel Gallatin Steel IPSCO LTV Steel National Steel Nucor Steel Dynamics U.S. Steel Weirton Steel Independent Steelworkers United Steelworkers of America
A-823-811 .....	731-TA-908	Hot-rolled steel products/Ukraine .....	Bethlehem Steel Gallatin Steel IPSCO LTV Steel National Steel Nucor Steel Dynamics U.S. Steel Weirton Steel Independent Steelworkers United Steelworkers of America
A-570-864 .....	731-TA-895	Pure magnesium (granular)/China .....	Concerned Employees of Northwest Alloys Magnesium Corporation of America United Steelworkers of America United Steelworkers of America (Local 8319)
A-588-857 .....	731-TA-919	Welded large diameter line pipe/Japan .....	American Cast Iron Pipe Berg Steel Pipe Bethlehem Steel Napa Pipe/Oregon Steel Mills Saw Pipes USA Stupp U.S. Steel
A-201-828 .....	731-TA-920	Welded large diameter line pipe/Mexico .....	American Cast Iron Pipe Berg Steel Pipe Bethlehem Steel Napa Pipe/Oregon Steel Mills Saw Pipes USA Stupp U.S. Steel
C-357-813 .....	701-TA-402	Honey/Argentina .....	Adee Honey Farms Althoff Apiaries Anderson Apiaries

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Arroyo Apiaries Artesian Honey Producers Bailey Enterprises Barkman Honey Basler Honey Apiary Beals Honey Bears Paw Apiaries Beaverhead Honey Bee Biz Bee Haven Honey Belliston Brothers Apiaries Big Sky Honey Richard E. Blake Gene Brand Apiaries Curt Bronnenbery Brown's Honey Farms Brumley's Bees Buhmann Apiaries Carys Honey Farms Chaparrel Honey Mitchell Charles Charles Apiaries Collins Honey Conor Apiaries Coy's Honey Farm Delta Bee Eisele's Pollonation & Honey Ellingsoa's Elliott Curtis & Sons Charles L. Emmons, Sr. Gause Honey Griffith Honey Hamilton Bee Farms Hamilton Honey Happie Bee Harvest Honey Harvey's Honey Hiatt Honey Hoffman Honey Hollman Apiaries Honey House Honeybee Apiaries Gary M. Honl Rand William Honl and Sydney Jo Honl Jaynes Bee Products Larry Johnston American Beekeeping Federation American Honey Producers Association Sioux Honey Association
C-357-814 .....	701-TA-402	Honey/Argentina .....	Larry Johnston Honey Farms Ke-An Honey Kent Honeybees Lake-Indianhead Honey Farms Lamb's Honey Farm Laas Flores Apiaries Mackrill Honey Farms & Sales Raymond Marquette Mason & Sons Honey McCoy's Sunny South Apiaries Merrimack Valley Apiaries & Evergreen Honey Met 2 Honey Farm A.H. Meyer & Sons Missouri River Honey Mitchell Brothers Honey Monda Honey farm Montana Dakota Honey Dave Nelson Apiaries Northern Bloom Honey Noye's Apiaries Oakes Honey Oakley Honey Farms Old Mill Apiaries

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Opp Honey Oro Dulce Steve E. Parks Apiaries Peterson's Naturally Sweet Honey Potoczak Bee Farms Price Apiaries Pure Sweet Honey Farms Bill Rhodes Honey Robertson Pollination Service William Robson Robson Honey Rosedale Apiaries Ryan Apiaries Schmidt Honey Farms Simpson Apiaries James R. & Joan Smith Trust Smoot Honey Solby Honey Stahlman Apiaries Stroope Bee & Honey T&D Honey Bee Talbott's Honey Terry Apiaries Thompson Apiaries Triple-A Farm Tropical Blossom Honey
C-357-813 .....	701-TA-402	Honey/Argentina .....	Tubbs Apiaries Venable Wholesale B. Weaver Apiaries Wiebersiek Honey Farms Walter L. Wilson Buzz 76 Apiaries Wilmer Farms Brent J. Woodworth Wooten's Golden Queens Yaddof Apiaries American Beekeeping Federation American Honey Products Association Sioux Honey Association
A-357-812 .....	731-TA-892	Honey/Argentina .....	Adee Honey Farms Althoff Apiaries Anderson Apiaries Arroyo Apiaries Artesian Honey Producers Bailey Enterprises Barkman Honey Basler Honey Apiary Beals Honey Bears Paw Apiaries Beaverhead Honey Bee Biz Bee Haven Honey Belliston Brothers Apiaries Big Sky Honey Richard E. Blake Gene Brandi Apiaries Curt Bronnenbery Brown's Honey Farms Brumley's Bees Buhmann Apiaries Carys Honey Farms Chaparrel Honey Mitchell Charles Charles Apiaries Collins Honey Conor Apiaries Coy's Honey Farms Delta Bee Eisele's Pollination & Honey Ellingsoa's Elliott Curtis & Sons Charles L. Emmons, SR.

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Gause Honey Griffith Honey Hamilton Bee Farms Hamilton Honey Happie Bee Harvest Honey Harvey's Honey Hiatt Honey Hoffman Honey Hollman Apiaries Honey House Honeybee Apiaries Gary M. Honi Rand William Honi and Sydney Jo Honi American Beekeeping Federation American Honey Producers Association Sioux Honey Association
A-357-812 .....	731-TA-892	Honey/Argentina .....	Jaynes Bee Products Larry Johnston Johnston Honey Farms KeAn Honey Kent Honeybees Lake Indianhead Honey Farms Lamb's Honey Farms Las Flores Apiaries Mackrill Honey Farms & Sales Raymond Marquette Mason & Sons Honey McCoy's Sunny South Apiaries Merrimack Valley Apiaries & Evergreen Honey Met 2 Honey Farm A.H. Meyers & Sons Missouri River Honey Mitchell Brothers Honey Monda Honey Farm Montana Dakota Honey Dave Nelson Apiaries Northern Bloom Honey Noye's Apiaries Oakes Honey Oakley Honey Farms Old Mill Apiaries Opp Honey Oro Dulce Steve E. Park Apiaries Petersons Naturally Sweet Honey Potoczak Bee Farms Price Apiaries Pure Sweet Honey Farm Bill Rhodes Honey Robertson Pollination Service William Robson Robson Honey Rosedale Apiaries Ryan Apiaries Schmidt Honey Farms Simpson Apiaries James R. & Joan Smith Trust Smoot Honey Solby Honey Stahlman Apiaries Stroope Bee & Honey T&D Honey Bee
A-357-812 .....	731-TA-892	Honey/Argentina .....	Talbott's Honey Terry Apiaries Thompson Apiaries Triple-A Farm Tropical Blossom Honey Tubbs Apiaries Venable Wholesale B. Weaver Apiaries

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			<p>Wiebersiek Honey Farms  Walter L. Wilson Buzz 76 Apiaries  Wilmer Farms  Brent J. Woodworth  Wooten Golden Queens  Yaddof Apiaries  American Beekeeping Federation  American Honey Producers Association  Sioux Honey Association</p>
A-570-863 .....	731-TA-893	Honey/China .....	<p>Adee Honey Farms  Althoff Apiaries  Anderson Apiaries  Arroyo Apiaries  Artesian Honey Producers  Bailey Enterprises  Barkman Honey  Basler Honey Apiary  Beals Honey  Bears Paw Apiaries  Beaverhead Honey  Bee Biz  Bee Haven Honey  Belliston Brothers Apiaries  Big Sky Honey  Richard E. Blake  Gene Brandi Apiaries  Curt Bronnenbery  Brown's Honey Farms  Brumley's Bees  Buhmann Apiaries  Carys Honey Farms  Chaparral Honey  Mitchell Charles  Charles Apiaries  Collins Honey  Conor Apiaries  Coy's Honey Farm  Delta Bee  Eisele's Pollination &amp; Honey  Ellingsoa's  Elliott Curtis &amp; Sons  Charles L. Emmons, Sr.  Gause Honey  Griffith Honey  Hamilton Bee Farms  Hamilton Honey  Happie Bee  Harvest Honey  Hiatt Honey  Hoffman Honey  Hollman Apiaries  Honey House  Honeybee Apiaries  Gary M. Honi  Rand William Honi and Sydney Jo Honi</p>
A-570-863 .....	731-TA-893	Honey/China .....	<p>Jaynes Bee Products  Larry Johnston  Johnston Honey Farms  Ke-An Honey  Kent Honeybees  Lake-Indianhead Honey Farms  Lamb's Honey Farm  Las Flores Apiaries  Mackrill Honey Farms &amp; Sales  Raymond Marquette  Mason &amp; Sons Honey  McCoy's Sunny South Apiaries  Merrimack Valley Apiaries &amp; Evergreen Honey  Met 2 Honey Farm  A.H. Meyer &amp; Sons  Missouri River Honey</p>

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Mitchell Brothers Honey Monda Honey Farm Montana Dakota Honey Dave Nelson Apiaries Northern Bloom Honey Noye's Apiaries Oakes Honey Oakley Honey Farms Old Mill Apiaries Opp Honey Oro Dulce Steve E. Park Apiaries Peterson's Naturally Sweet Honey Potoczak Bee Farms Price Apiaries Pure Sweet Honey Farms Bill Rhodes Honey Robertson Pollination Service William Robson Robson Honey Rosedale Apiaries Ryan Apiaries Schmidt Honey Farms Simpson Apiaries James R. & Joann Smith Trust Smoot Honey Solby Honey Stahlman Apiaries Stroope Bee & Honey T&D Honey Bee
A-570-863 .....	731-TA-893	Honey/China .....	Talbott's Honey Terry Apiaries Thompson Apiaries Triple-A Farm Tropical Blossom Honey Tubbs Apiaries Venable Wholesale B. Weaver Apiaries Wiebersiek Honey Farms Walter L. Wilson Buzz 76 Apiaries Wilmer Farms Brent J. Woodworth Wooten's Golden Queens Yaddof Apiaries American Beekeeping Federation American Honey Producers Association Sioux Honey Association
A-122-838 .....	731-TA-928	Softwood lumber/Canada .....	Anthony Timberlands Ball Lumber Buddy Bean Lumber Bearden Lumber Guy Bennett Lumber Bennett Lumber Blue Mountain Lumber Charleston Heart Pine Chesterfield Lumber Chips Clearwater Forest Industries Collums Lumber Contoocook River lumber Elliott Sawmilling Evergreen Forest Products Flippo Lumber Frontier Resources Georgia Lumber Gilman Building Products Godfrey Lumber Conway Guiteau Lumber Gulf Lumber Gulf States Paper Ralph Hamel Forest Products



Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Hampton Resources Hancock Lumber Harrigan Lumber Hatfield Lumber Hedstrom Lumber Hood Industries Claude Howard Lumber International Paper D.R. Johnson Lumber J.W. Jones Lumber Keller Lumber Konkolville Lumber Langdale Forest Products Mason Lumber Randy D. Miller Lumber Moose River Lumber Nagel Lumber New South Nicolet Hardwoods Nieman Sawmills SD Nieman Sawmills WY North Florida Owens and Hurst Lumber Page & Hill Forest Products Parker Lumber PBS Lumber Plum Creek Timber Pollard Lumber Portac Potlatch Potomac Supply Riley Creek Lumber Robbins Lumber Seneca Sawmill Shearer Lumber Products Shuqualak Lumber Sierra Pacific Industries South Coast Southern Lumber Stimson Lumber S.I. Story Lumber Superior Lumber Swift Lumber Tamarack Mill Fred Tebb & Sons Temple-Inland Forest Products Three Rivers Timber Tolleson Lumber Toney Lumber Tri-State Lumber Jerry G. Williams & Sons Wyoming Sawmills R.A. Yancey Lumber Coalition for Fair Lumber Imports Executive Committee Paper, Allied-Industrial, Chemical and Energy Workers International Union United Brotherhood of Carpenters and Joiners
C-122-839 .....	701-TA-414	Softwood lumber/Canada .....	Anthony Timberlands Ball Lumber Buddy Bean Lumber Bearden Lumber Guy Bennett Lumber Bennett Lumber Blue Mountain Lumber Charleston Heart Pine Chesterfield Lumber Chips Clearwater Forest Industries Collums Lumber Contoocook River Lumber Elliott Sawmilling Evergreen Forest Products

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Flippo Lumber Frontier Resources Georgia Lumber Gilman Building Products Godfrey Lumber Conway Guiteau Lumber Gulf Lumber Gulf States Paper Ralph Hamel Forest Products Hampton Resources Hancock Lumber Harrigan Lumber Hatfield Lumber Hedstrom Lumber Hood Industries Claude Howard Lumber International Paper D.R. Johnson Lumber J.W. Jones Lumber Keller Lumber Konkolville Lumber Langdale Forest Products Mason Lumber Randy D. Miller Lumber Moose River Lumber Nagel Lumber New South Nicolet Hardwoods Nieman Sawmills SD Nieman Sawmills WY North Florida Owens and Hurst Lumber Page & Hill Forest Products Parker Lumber PBS Lumber Plum Creek Timber Pollard Lumber Portac Potlatch Potomac Supply Seago Lumber SeattleSnohomish Seneca Sawmill Shearer Lumber Products Shuqualak Lumber Sierra Pacific Industries South Coast Southern Lumber Stimson Lumber S.I. Story Lumber Superior Lumber Swift Lumber Tamarack Mill Fred Tebb & Sons Temple-Inland Forest Products Three Rivers Timber Tolleson Lumber Toney Lumber Tri-State Lumber Jerry G. Williams & Sons Wyoming Sawmills R.A. Yancey Lumber Coalition for Fair Lumber Imports Executive Committee Paper, Allied-Industrial, Chemical and Energy Workers International Union United Brotherhood of Carpenters and Joiners
A-533-823 .....	731-TA-929	Silicomanganese/Canada .....	Eramet Marietta Paper, Allied-Industrial, Chemical and Energy Workers International Union, Local 5-0639
A-834-807 .....	731-TA-930	Silicomanganese/Kazakhstan .....	Eramet Marietta

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Paper, Allied-Industrial, Chemical and Energy Workers International, Local 5-0639
A-307-820 .....	731-TA-931	Silicomanganese/Venezuela .....	Eramet Marietta Paper, Allied-Industrial, Chemical and Energy Workers International Union, Local 5-0639
A-570-868 .....	731-TA-932	Folding metal tables and chairs/China .....	Krueger International McCourt Manufacturing Meco Virco Manufacturing
C-533-825 .....	731-TA-415	Polyethylene terephthalate film, sheet and strip (PET film)/India.	DuPont Teijin Films  Mitsubishi Polyester Film Of America Toray Plastics (America)
A-533-824 .....	731-TA-933	Polyethylene terephthalate film, sheet, and strip (PET film)/India.	DuPont Teijin Films  Mitsubishi Polyester Film Of America Toray Plastics (America)
A-583-837 .....	731-TA-934	Polyethylene terephthalate film, sheet and strip (PET film)/Taiwan.	DuPont Teijin Films  Mitsubishi Polyester Film Of America Toray Plastics (America)
A-337-806 .....	731-TA-948	Individually quick frozen red raspberries/Chile .....	A&A Berry Farms Bahler Farms Bear Creek Farms David Burns Columbia Farms Columbia Fruit George Culp Dobbins Berry Farm Enfield Firestone Packing Heckel Farms George Hoffman Farms Wendell Kreder Curt Maberry Maberry Packing Mike & Jean's Nguyen Berry Farms Nick's Acres North Fork Parson Berry Farm Pickin 'n' Pluckin Postage Stamp Farm Rader RainSweet Scenic Fruit Silverstar Farms Tim Straub Theony Farms Townsend Tsugawa Farms Updike Berry Farms Van Laeken Farms
A-570-866 .....	731-TA-921	Folding gift boxes/China .....	Field Container Harvard Folding Box Sterling Packaging Superior Packaging
A-427-818 .....	731-TA-909	Low enriched uranium/France .....	USEC
C-427-819 .....	701-TA-409	Low enriched uranium/France .....	USEC
C-428-829 .....	701-TA-410	Low enriched uranium/Germany .....	USEC
C-421-809 .....	701-TA-411	Low enriched uranium/Netherlands .....	USEC

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
C-412-821 .....	701-TA-412	Low enriched uranium/United Kingdom .....	USEC
A-427-820 .....	731-TA-913	Stainless steel bar/France .....	Carpenter Technology Crucible Specialty Metals Electralloy Empire Specialty Steel Republic Technologies International Slater Steels United Steelworkers of America
A-428-830 .....	731-TA-914	Stainless steel bar/Germany .....	Carpenter Technology Crucible Specialty Metals Electralloy Empire Specialty Steel Republic Technologies International Slater Steels United Steelworkers of America
A-475-829 .....	731-TA-915	Stainless steel bar/Italy .....	Carpenter Technology Crucible Specialty Metals Electralloy Empire Specialty Steel Republic Technologies International Slater Steels United Steelworkers of America
A-580-847 .....	731-TA-916	Stainless steel bar/Korea .....	Carpenter Technology Crucible Specialty Metals Electralloy Empire Specialty Steel Republic Technologies International Slater Steels United Steelworkers of America
A-412-822 .....	731-TA-918	Stainless steel bar/United Kingdom .....	Carpenter Technology Crucible Specialty Metals Electralloy Empire Specialty Steel Republic Technologies International Slater Steels United Steelworkers of America
C-475-830 .....	701-TA-413	Stainless steel bar/Italy .....	Carpenter Technology Crucible Specialty Metals Electralloy Empire Specialty Steel Republic Technologies International Slater Steels United Steelworkers of America
A-570-867 .....	731-TA-922	Automotive replacement glass windshields/China ....	Apogee Enterprises PPG Industries Safelite Glass Visteon Corporation
A-570-873 .....	731-TA-986	Ferrovandium/China .....	Bear Metallurgical Corp. Shieldalloy Metallurgical Corp.
A-791-815 .....	731-TA-987	Ferrovandium/South Africa .....	Bear Metallurgical Co. Shieldalloy Metallurgical Corp.
C-351-833 .....	701-TA-417	Carbon and certain alloy steel wire rod/Brazil .....	AmeriSteel Birmingham Steel Cascade Steel Rolling Mills Co-Steel Raritan GS Industries Keystone Consolidated Industries North Star Steel Texas Republic Technologies International Rocky Mountain Steel Mills
C-122-841 .....	701-TA-418	Carbon and certain alloy steel wire rod/Canada .....	AmeriSteel Birmingham Steel Cascade Steel Rolling Mills

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Co-Steel Raritan GS Industries Keystone Consolidated Industries North Star Steel Texas Republic Technologies International Rocky Mountain Steel Mills
A-351-832 .....	731-TA-953	Carbon and certain alloy steel wire rod/Brazil .....	AmeriSteel Birmingham Steel Cascade Steel Rolling Mills Co-Steel Raritan GS Industries Keystone Consolidated Industries North Star Steel Texas Republic Technologies International Rocky Mountain Steel Mills
A-122-840 .....	731-TA-954	Carbon and certain alloy steel wire rod/Canada .....	AmeriSteel Birmingham Steel Cascade Steel Rolling Mills Co-Steel Raritan GS Industries Keystone Consolidated Industries North Star Steel Texas Republic Technologies International Rocky Mountain Steel Mills
A-560-815 .....	731-TA-957	Carbon and certain alloy steel wire rod/Indonesia ...	AmeriSteel Birmingham Steel Cascade Steel Rolling Mills Co-Steel Raritan GS Industries Keystone Consolidated Industries North Star Steel Texas Republic Technologies International Rocky Mountain Steel Mills
A-201-830 .....	731-TA-958	Carbon and certain alloy steel wire rod/Mexico .....	AmeriSteel Birmingham Steel Cascade Steel Rolling Mills Co-Steel Raritan GS Industries Keystone Consolidated Industries North Star Steel Texas Republic Technologies International Rocky Mountain Steel Mills
A-841-805 .....	731-TA-959	Carbon and certain alloy steel wire rod/Moldova .....	AmeriSteel Birmingham Steel Cascade Steel Rolling Mills Co-Steel Raritan GS Industries Keystone Consolidated Industries North Star Steel Texas Republic Technologies International Rocky Mountain Steel Mills
A-274-804 .....	731-TA-961	Carbon and certain alloy steel wire rod/Trinidad & Tobago.	AmeriSteel Birmingham Steel Cascade Steel Rolling Mills Co-Steel Raritan GS Industries Keystone Consolidated Industries North Star Steel Texas Republic Technologies International Rocky Mountain Steel Mills
A-823-812 .....	731-TA-962	Carbon and certain alloy steel wire rod/Ukraine .....	AmeriSteel Birmingham Steel Cascade Steel Rolling Mills Co-Steel Raritan GS Industries Keystone Consolidated Industries North Star Steel Texas

Commerce case No.	Commission case No.	Product/country	Petitioners/supporters
			Republic Technologies International Rocky Mountain Steel Mills
C-437-805 .....	701-TA-426	Sulfanilic acid/Hungary .....	Nation Ford Chemical
A-437-804 .....	731-TA-B426	Sulfanilic acid/Hungary .....	Nation Ford Chemical
A-471-806 .....	731-TA-427	Sulfanilic acid/Portugal .....	Nation Ford Chemical
A-821-817 .....	731-TA-991	Silicon metal/Russia .....	Globe Metallurgical Inc. SIMCALA, Inc.
A-570-875 .....	731-TA-990	Non-malleable cast iron pipe fittings/China .....	Anvil International, Inc. Buck Co., Inc. Frazier & Frazier Industries Ward Manufacturing, Inc.
A-588-854 .....	731-TA-860	Tin-mill products/Japan .....	Weirton Steel Independent Steelworkers United Steelworkers of America

[FR Doc. 03-17528 Filed 7-11-03; 8:45 am]  
BILLING CODE 4820-02-P

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### Agency Information Collection Activities: Submission for OMB Review; Comment Request

**AGENCY:** Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Federal Emergency Management Agency has submitted the following proposed information collection to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507).

*Title:* Disaster Assistance Registration.

*Type of Information Collection:* Revision of a currently approved collection.

*OMB Number:* 1660-0002.

*Abstract:* The information serves as the application for FEMA's Individuals and Households Program with regard to Housing Assistance and Other Needs Assistance and is relayed to other Federal and State agencies administering disaster relief programs appropriate to the applicants needs. Without this information, eligibility for disaster assistance cannot be determined. The information is obtained by telephone calls to the Teleregistration Center or from a face-to-

face interview. Applicants are provided a statement regarding the privacy act and they sign a statement certifying the accuracy of their information.

*Affected Public:* Individuals or Households, Federal Government, State, Local or Tribal Government, Business or Other For-Profit, Not-For-Profit Institutions, Farms.

*Number of Respondents:* 482,584.

*Estimated Time per Respondent:* FEMA Forms 90-69 (English) & 90-69A (Spanish), Disaster Assistance Registration, 19 minutes; FEMA Forms 90-69B (English) & 90-69C (Spanish), Declaration and Release Form, 2 minutes.

*Estimated Total Annual Burden Hours:* 163,113.

*Frequency of Response:* On Occasion.

*Comments:* Interested persons are invited to submit written comments on the proposed information collection to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Desk Officer for the Emergency Preparedness and Response Directorate/Federal Emergency Management Agency, Washington, DC 20503, within 30 days of the date of this notice.

#### FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the information collection should be made to Muriel B. Anderson, Chief, Records Management Branch, Information Resources Management Division, Information Technology Services Directorate, Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security, 500 C Street, SW., Room 316, Washington, DC 20472, facsimile number (202) 646-3347, or email address [InformationCollections@fema.gov](mailto:InformationCollections@fema.gov).

Dated: July 8, 2003.

**Edward W. Kernan,**

*Division Director, Information Resources Management Division, Information Technology Services Directorate.*

[FR Doc. 03-17736 Filed 7-11-03; 8:45 am]

BILLING CODE 6718-01-P

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

#### Agency Information Collection Activities: Submission for OMB Review; Comment Request

**AGENCY:** Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Federal Emergency Management Agency has submitted the following proposed information collection to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507).

*Title:* National Flood Insurance Program—Mapping Needs Update Support System (MNUSS).

*Type of Information Collection:* Existing collection in use without a control number.

*OMB Number:* 1660-New.

*Abstract:* To fulfill the mandate specified in section 575 of the National Flood Insurance Reform Act (NFIRA), FEMA established the Mapping Needs Assessment process and the MNUSS database in order to effectively identify

and document data regarding community flood hazard mapping needs. MNUSS is designed to store mapping needs at the community level. The current version of MNUSS is an interactive, web-enabled password protected database. In order to facilitate the identification and collection of communities' current flood hazard mapping needs for input into MNUSS, FEMA developed the MNUSS Data Worksheet.

Flood hazard mapping needs information enables FEMA to be more responsive to ongoing changes affecting flood hazard areas that occur in communities participating in the NFIP. The changes include, but are not limited to, new corporate limit boundaries, changes in the road network, and changes in flood hazard areas, which affect communities' flood risks. The information is also used in providing justification for FEMA when requesting funding for flood map updates and is used along with other information to prioritize the flood hazard mapping needs of all mapped communities participating in the NFIP to assist in the allocation of annual funds for flood hazard map updates.

*Affected Public:* State, Local, and Tribal Governments.

*Number of Respondents:* 1,800.

*Estimated Time per Respondent:* 2.5 hours.

*Estimated Total Annual Burden Hours:* 8,400 hours.

*Frequency of Response:* Once every five years.

*Comments:* Interested persons are invited to submit written comments on the proposed information collection to the Desk Officer for the Federal Emergency Management Agency, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 within 30 days of the date of this notice.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection should be made to Muriel B. Anderson, Chief, Records Management Branch, Information Resources Management Division, Information Technology Services Directorate, Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security, 500 C Street, SW., Room 316, Washington, DC 20472, facsimile number (202) 646-3347, or email address: [InformationCollections@fema.gov](mailto:InformationCollections@fema.gov).

Dated: July 7, 2003.

**Edward W. Kernan,**

*Division Director, Information Resource Management Division, Information Technology Services Directorate.*

[FR Doc. 03-17737 Filed 7-11-03; 8:45 am]

**BILLING CODE 6718-01-P**

## DEPARTMENT OF HOMELAND SECURITY

### Federal Emergency Management Agency

**[FEMA-1474-DR]**

#### West Virginia; Amendment No. 3 to Notice of a Major Disaster Declaration

**AGENCY:** Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.

**ACTION:** Notice.

**SUMMARY:** This notice amends the notice of a major disaster declaration for the State of West Virginia (FEMA-1474-DR), dated June 21, 2003, and related determinations.

**EFFECTIVE DATE:** June 27, 2003.

**FOR FURTHER INFORMATION CONTACT:** Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-2705.

**SUPPLEMENTARY INFORMATION:** The notice of a major disaster declaration for the State of West Virginia is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of June 21, 2003:

Berkeley County for Individual Assistance.  
Lincoln and Wyoming Counties for Individual Assistance (already designated for Public Assistance.)

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.556, Fire Management Assistance; 83.558, Individual and Household Housing; 83.559, Individual and Household Disaster Housing Operations; 83.560 Individual and Household Program-Other Needs; 83.544, Public Assistance Grants; 83.548, Hazard Mitigation Grant Program.)

**Michael D. Brown,**

*Under Secretary, Emergency Preparedness and Response.*

[FR Doc. 03-17735 Filed 7-11-03; 8:45 am]

**BILLING CODE 6718-02-P**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**[Docket No. FR-4665-N-10]**

### Conference Call for the Manufactured Housing Consensus Committee

**AGENCY:** Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

**ACTION:** Notice of upcoming meeting via conference call.

**SUMMARY:** This notice sets forth the schedule and proposed agenda of an upcoming meeting of the Manufactured Housing Consensus Committee (the Committee) to be held via telephone conference. This meeting is open to the public.

**DATES:** The conference call will be held on Wednesday, August 6, 2003, from 11 a.m. to 1:30 p.m., and resuming at 3 p.m. to 4 p.m.

**ADDRESSES:** Information concerning the conference call can be obtained from the Department's Consensus Committee Administering Organization, the National Fire Protection Association (NFPA). Interested parties can log onto NFPA's website for instructions on how to participate and for contact information for the conference call: [http://www.nfpa.org/ECommittee/ HUDManufacturedHousing/ hudmanufacturedhousing.asp](http://www.nfpa.org/ECommittee/HUDManufacturedHousing/hudmanufacturedhousing.asp). Alternately, you may contact Jill McGovern of NFPA by phone at (617) 984-7404 (this is not a toll-free number) for conference call information.

**FOR FURTHER INFORMATION CONTACT:** William W. Matchneer III, Administrator, Office of Manufactured Housing Programs, Office of the Deputy Assistant Secretary for Regulatory Affairs and Manufactured Housing, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410, telephone (202) 708-6409 (this is not a toll-free number). Persons who have difficulty hearing or speaking may access this number via TTY by calling the toll-free Federal Information Relay Service at (800) 877-8339.

**SUPPLEMENTARY INFORMATION:** Notice of this meeting is provided in accordance with Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App.2) and 41 CFR 102-3.150. The Manufactured Housing Consensus Committee was established under Section 604(a)(3) of the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 4503(a)(3). The Consensus Committee is charged with providing recommendations to the Secretary to

adopt, revise, and interpret manufactured housing construction and safety standards and procedural and enforcement regulations, and with developing proposed model installation standards. The purpose of this conference call is to discuss the Consensus Committee's review and recommendations to the Secretary on the Department's draft Proposed Rule for the on-site completion of manufactured homes.

#### Tentative Agenda

- A. Roll Call
- B. Continued Discussion of draft on-site rule
- C. Balloting on Consensus Committee actions
- D. Adjournment

Dated: July 3, 2003.

**John C. Weicher,**

*Assistant Secretary for Housing-Federal Housing Commissioner.*

[FR Doc. 03-17664 Filed 7-11-03; 8:45 am]

BILLING CODE 4210-27-P

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4810-N-02]

### Notice Concerning Release of Certain Loan-Level Data on Ginnie Mae Mortgage-Backed Securities

**AGENCY:** The Government National Mortgage Association (Ginnie Mae), HUD.

**ACTION:** Final notice.

**SUMMARY:** This notice announces that Ginnie Mae, a Government corporation within the Department of Housing and Urban Development (HUD), will make certain loan-level data available to the public on Ginnie Mae multifamily mortgages that back Ginnie Mae-guaranteed securities. On April 8, 2003, Ginnie Mae, through a notice published in the **Federal Register**, invited public comments on this proposed policy and any impact of releasing specific loan-level information. The period for submitting comments has concluded and Ginnie Mae has not received any public comments. Ginnie Mae will adopt this policy without change.

**DATES:** *Effective Date:* July 14, 2003.

#### FOR FURTHER INFORMATION CONTACT:

Paulette M. Griffin, Director, Multifamily Programs Division, Office of Mortgage-Backed Securities, Room 6216, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410-9000; telephone (202) 708-2043 (this is not a toll-free number). Speech- or hearing-impaired individuals may access this number via TTY by calling the toll-free Federal

Information Relay Service at 1-800-877-8339.

**SUPPLEMENTARY INFORMATION:** On April 8, 2003, Ginnie Mae published a notice in the **Federal Register** (68 FR 17251) that announced its intent to release certain loan-level data, and invited the public to submit comments regarding this proposed policy and any impact of releasing specific loan-level information. The period for submitting comments concluded on May 8, 2003, and Ginnie Mae has not received any public comments. Accordingly, Ginnie Mae will adopt this policy without change.

As announced in the April 8, 2003 notice, Ginnie Mae will now make delinquency information available to the public on the multifamily loans that back Ginnie Mae securities, in order to achieve a fair and open market in Ginnie Mae-guaranteed multifamily securities. Making this multifamily loan information available to investors should lead to greater investor confidence and more accurate pricing on these securities. This could decrease the cost of borrowing to finance apartment buildings, and thus decrease the rents of low- and moderate-income families that live in those buildings.

Accordingly, Ginnie Mae is adopting the policy detailed in its April 8, 2003 notice without change.

**Authority:** 12 U.S.C. 1721(g); 5 U.S.C. 552; 24 CFR 15.108(c); E.O. 12600.

Dated: June 30, 2003.

**Ronald A. Rosenfeld,**

*President, Government National Mortgage Association.*

[FR Doc. 03-17665 Filed 7-11-03; 8:45 am]

BILLING CODE 4210-66-P

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[NV-025-1232-EA-NV06; Special Recreation Permit #NV-025-03-01]

### Notice of Intent to Temporarily Close Public Lands: Pershing County and Washoe County, NV

**AGENCY:** Bureau of Land Management, Winnemucca Field Office, Nevada, Interior.

**ACTION:** Notice to the public of temporary public lands closures and prohibition of certain activities on public lands administered by the Bureau of Land Management, Winnemucca Field Office, Nevada.

**SUMMARY:** Notice is hereby given that certain lands would be temporarily closed or restricted, and certain

activities would be temporarily prohibited, in and around the Burning Man event site, Pershing and Washoe counties, Nevada, for camping, vehicle use, fire use, and aircraft landing from 0600 hours, August 22, 2003, to 2200 hours, September 1, 2003. Certain lands would be temporarily closed or restricted, and certain activities would be temporarily prohibited, in the Winnemucca District in Pershing and Washoe Counties, Nevada, for fireworks use and firearms use from 0600 hours, August 11, 2003, to 2200 hours, September 15, 2003. A closure to all public uses would be in effect inside and within 50 yards outside the perimeter fence surrounding the event from August 22, 2003 to September 1, 2003. These closures, restrictions and prohibitions are in the interest of public safety on public lands at and around the location of an event known as Burning Man; a Special Recreation Permit (SRP) event authorized by the Bureau of Land Management in the same vicinity every year but one since 1990. This event is expected to attract approximately 29,000 participants this year. The lands involved are located in northwestern Nevada partly within the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area.

*Public Camping Surrounding the Event is Prohibited in the Following Areas:* T33N, R24E: W $\frac{1}{2}$ Sec1; Sec2; Sec3; Sec4; Sec9; Sec10; Sec11; W $\frac{1}{2}$ Sec12; N $\frac{1}{2}$ NW $\frac{1}{4}$ Sec15; N $\frac{1}{2}$ Sec16; and T33 $\frac{1}{2}$ N, R24E: Sec33; Sec34; Sec35; W $\frac{1}{2}$ Sec36. These areas are closed during the event period, August 22, 2003 to September 1, 2003, with the exception of defined camping areas designated and provided by the Black Rock City LLC, an authorized "pilot camp" and BLM-authorized event management-related camps.

*Operation of Motorized Vehicles at a Rate of Speed that Causes a Dust Plume higher than the Roof of the Vehicle, is Prohibited in the Following Areas:* T33N, R24E: W $\frac{1}{2}$ Sec1; Sec2; Sec3; Sec4; Sec9; Sec10; Sec11; W $\frac{1}{2}$ Sec12; N $\frac{1}{2}$ NW $\frac{1}{4}$ Sec15; N $\frac{1}{2}$ Sec16; and T33 $\frac{1}{2}$ N, R24E: Sec33; Sec34; Sec35; W $\frac{1}{2}$ Sec36. These areas are closed during the event period, August 22, 2003 to September 1, 2003, with the exception of BLM, medical, law enforcement, firefighting vehicles and Burning Man staff as designated by the BLM Authorized Officer.

*Operation of Motorized Vehicles Is Prohibited on the Following Public Lands:* T33N, R24E: Sec2; Sec3; Sec4; Sec9; Sec10; Sec11; and T33 $\frac{1}{2}$ N, R24E: Sec33; Sec34; Sec35. These legally described areas within the event boundary are closed during the Burning



Man event, from August 25, 2003 to September 1, 2003, with the following exceptions: participant arrival and departure on designated routes; art vehicles registered with Burning Man; Black Rock City LLC staff and support; BLM, medical, law enforcement, and firefighting vehicles and motorized skateboards with or without handlebars. Art vehicles must register with Burning Man/Black Rock City LLC and must provide evidence of registration at all times.

*The Following Public Lands are Closed to Public Use:* T33N, R24E: NE $\frac{1}{4}$ S $\frac{1}{2}$ Sec4; SE $\frac{1}{4}$ Sec5; NE $\frac{1}{4}$ S $\frac{1}{2}$ Sec8; Sec9; W $\frac{1}{2}$ Sec10; N $\frac{1}{2}$ NW $\frac{1}{4}$ Sec15; N $\frac{1}{2}$ Sec16; and T33 $\frac{1}{2}$ N, R24E: SE $\frac{1}{4}$ Sec33; SW $\frac{1}{4}$ Sec34. For event safety near the entrance road and airstrip, playa areas southwest, west and northwest of the event are closed during the Burning Man event period, from 0001 hours August 25, 2003 to 2200 hours September 1, 2003. The area surrounding the event within fifty yards immediately outside the perimeter fence, with exception of the event entrance, is closed to all public uses from 0001 hours August 22, 2003 to 2200 September 1, 2003. These areas are closed to all uses except those performed by BLM personnel, law enforcement, emergency medical services, and Burning Man staff as designated by the authorized BLM officer.

*Black Rock City LLC/Burning Man will abide by fire restriction orders, except for the following when officially approved by Black Rock City LLC in coordination with BLM:* Official art burns, authorized event fireworks, and other authorized fires using Black Rock City LLC/Burning Man-supplied fire barrels or approved platforms. Fire Restriction Orders may be in effect pursuant to 43 CFR 9212.2, 36 CFR 261.50(a)(b) for all lands managed by the BLM, Winnemucca Field Office.

*The use, sale or possession of personal fireworks within the Burning Man event perimeter fence is prohibited on the following public lands from August 25th, 2003, through September 1, 2003:* T33N, R24E: Sec2; Sec3; Sec4; Sec9; Sec10; Sec11; and T33 $\frac{1}{2}$ N, R24E: Sec33; Sec34; Sec35, with the exception of fireworks approved by Black Rock City LLC and used as part of an official Burning Man art burn event.

*Possession of Firearms Is Prohibited on the Following Public Lands from August 11, 2003, through September 15, 2003:* T33N, R24E: Sec2; Sec3; Sec4; Sec9; Sec10; Sec11; and T33 $\frac{1}{2}$ N, R24E: Sec33; Sec34; Sec35. This closure is in effect inside the Burning Man event perimeter fence, with the exception of

county, state and federal certified law enforcement personnel under the color of law. "Firearm" means any device designed to be used as a weapon from which a projectile may be expelled through the barrel by the force of any explosion or other form of combustion (Nevada Revised Statute 202.253).

*Discharge of Firearms is Prohibited on the Following Public Lands from August 11, 2003, through September 15, 2003:* T33N, R24E: Sec1; Sec2; Sec3; Sec4; Sec5; E $\frac{1}{2}$ Sec6; Sec8; Sec9; Sec10; Sec11; Sec12; N $\frac{1}{2}$ SW $\frac{1}{4}$ Sec13; Sec14; Sec15; Sec16; E $\frac{1}{2}$ NW $\frac{1}{4}$ Sec17; NE $\frac{1}{4}$ Sec21; N $\frac{1}{2}$ Sec22; NW $\frac{1}{4}$ Sec23; and T33N, R25E: Sec4; W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec9; and T33 $\frac{1}{2}$ N, R24E: Sec25; Sec26; Sec27; Sec28; Sec29; Sec32; Sec33; Sec34; Sec35; Sec36; T34N, R24E: NE $\frac{1}{4}$ S $\frac{1}{2}$ Sec33; Sec34; Sec35; S $\frac{1}{2}$ Sec36; T34N, R25E: Sec33. This closure description applies with the exception of law enforcement officers under color of law.

*Aircraft are prohibited from landing, taking off, and taxiing on the following public lands from 0600 hours on August 22, 2003, through September 1, 2003 at 2200 hours:* T33N, R23E: E $\frac{1}{2}$ Sec25; and T33N, R24E: Sec1; Sec2; Sec3; Sec4; SE $\frac{1}{4}$ Sec5; NE $\frac{1}{4}$ S $\frac{1}{2}$ Sec8; Sec9; Sec10; Sec11; Sec12; W $\frac{1}{2}$ Sec13; Sec14; Sec15; Sec16; Sec17; NE $\frac{1}{4}$ S $\frac{1}{2}$ Sec18; Sec19; Sec20; Sec21; N $\frac{1}{2}$ Sec22; NW $\frac{1}{4}$ Sec28; Sec29; NE $\frac{1}{4}$ Sec30; and T33N, R25E: N $\frac{1}{2}$ Sec2; N $\frac{1}{2}$ Sec3; Sec4; and T33 $\frac{1}{2}$ N, R24E: Sec25; Sec26; Sec27; Sec28; Sec33; Sec34; Sec35; Sec36; and T34N, R24E: NE $\frac{1}{4}$ S $\frac{1}{2}$ Sec23; Sec24; Sec25; Sec26; SE $\frac{1}{4}$ Sec27; E $\frac{1}{2}$ Sec33; Sec34; Sec35; Sec36; and T34N, R25E: Sec16; Sec21; S $\frac{1}{2}$ Sec22; SW $\frac{1}{4}$ Sec26; Sec27; Sec28; Sec33; Sec34; Sec35. This closure applies to the playa for approximately five miles in all directions from the event boundary during the event, with the exception of an authorized event landing strip for Burning Man staff and participants, law enforcement and emergency medical services. This airstrip is the only location where Burning Man staff and participant aircraft may land. Emergency aircraft such as Care Flight, Sheriff's Office or Medical Ambulance Transport System helicopters engaged in official business may land in other locations when circumstances require it.

A map showing these temporary closures, restrictions and prohibitions is available from the following BLM office: BLM-Winnemucca Field Office, 5100 East Winnemucca Blvd, Winnemucca, Nevada 89445.

The map may also be viewed on the Field Office Web site at: <http://www.nv.blm.gov/winnemucca>.

**EFFECTIVE DATES:** August 11, 2003 to September 15, 2003.

**FOR FURTHER INFORMATION CONTACT:** Dave Cooper, National Conservation Area Manager, Bureau of Land Management, Winnemucca Field Office, 5100 E. Winnemucca Blvd., Winnemucca, NV 89445, telephone: (775) 623-1500.

**Authority:** 43 CFR 8364.1.

**PENALTY:** Any person failing to comply with the closure orders may be subject to imprisonment for not more than 12 months, or a fine in accordance with the applicable provisions of 18 U.S.C. 3571, or both.

**Terry A. Reed,**  
Field Manager.

[FR Doc. 03-17806 Filed 7-10-03; 11:23 am]

**BILLING CODE 4310-HC-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[NV-050-1430-ES; N-41566-33, N-41569-22, N-41569-35, N-75017-01, N-75270-01, N-75276-01, N-75729-01, N-75717-01, N-76672-01]

### Notice of Realty Action: Lease/Conveyance for Recreation and Public Purposes

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** The following described public land in the Las Vegas Valley, Clark County, Nevada, has been examined and found suitable for lease/conveyance for recreational or public purposes under the provisions of the Recreation and Public Purposes Act, as amended (43 U.S.C. 869 et. seq.). The Clark County School District proposes to use the land for elementary, middle and high school sites.

#### Mount Diablo Meridian, Nevada

Elementary School—N-41566-33—T. 22 S., R. 60 E., Sec. 28: NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , 15 acres. General location: northeast of intersection of Mountain's Edge Parkway and Cimarron Road.

Elementary School—N-41569-22—T. 22 S., R. 60 E., Sec. 21: N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ , 15 acres. General location: northeast of intersection of Durango Drive and Gomer Road.

Elementary School—N-41569-35—T. 22 S., R. 60 E., Sec. 27: W $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ , 20 acres. General location: southeast of intersection of Mountain's Edge Parkway and Buffalo Drive.

Elementary School—N-75017-01—T. 22 S., R. 60 E., Sec. 34: NE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ ,

E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ , 15 acres. General location: northeast of intersection of Starr Avenue and Buffalo Drive.

Middle School—N-75270-01—T. 22 S., R. 60 E., Sec. 34: W $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , 30 acres. General location: northwest of intersection of Rainbow Boulevard and Erie Avenue.

Vocational High School—N-75276-01—T. 19 S., R. 60 E., MDM Sec. 28: E $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , 30 acres. General location: northeast of intersection of Durango Drive and Tropical Parkway.

Elementary/Middle School—N-75729-01—T. 22 S., R. 60 E., MDM Sec. 29: SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , 30 acres. General location: east of intersection of El Capitan Way and Le Baron Avenue.

Tanaka Elementary School—N-75717-01—T. 22 S., R. 60 E., Sec. 05: NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , 13.28 acres. General location: southeast of intersection of Quarterhorse Lane and Maule Avenue.

Quarry Elementary School—N-76672-01—T. 21 S., R. 62 E., MDM Sec. 11: NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$  (NW $\frac{1}{4}$  lot 7), N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$  (N $\frac{1}{2}$  lot 8), 30.61 acres. General location: south of intersection of Hollywood Boulevard and Vegas Valley Drive. Containing approximately 198.89 acres.

The land is not required for any Federal purpose. The lease/conveyance is consistent with current Bureau planning for this area and would be in the public interest. The lease/patent, when issued, will be subject to the provisions of the Recreation and Public Purposes Act and applicable regulations of the Secretary of the Interior and each will contain the following reservations to the United States:

1. A right-of-way thereon for ditches and canals constructed by the authority of the United States, Act of August 30, 1890 (43 U.S.C. 945).

2. All minerals shall be reserved to the United States, together with the right to prospect for, mine and remove such deposits from the same under applicable law and such regulations as the secretary of the Interior may prescribe.

And will be subject to:

1. All valid and existing rights.

Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Las Vegas Field Office, 4701 N. Torrey Pines Drive, Las Vegas, NV, or by calling (702) 515-5000.

Upon publication of this notice in the **Federal Register**, the above described land will be segregated from all other forms of appropriation under the public land laws, including the general mining laws, except for lease/conveyance under the Recreation and Public Purposes Act,

leasing under the mineral leasing laws and disposal under the mineral material disposal laws.

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments regarding the proposed lease/conveyance for classification of the lands to the Las Vegas Field Manager, Las Vegas Field Office, 4701 N. Torrey Pines Drive, Las Vegas, Nevada 89130-2301.

#### Classification Comments

Interested parties may submit comments involving the suitability of the land for the proposed schools. Comments on the classification are restricted to whether the land is physically suited for the proposal, whether the use will maximize the future use or uses of the land, whether the use is consistent with local planning and zoning, or if the use is consistent with State and Federal programs.

#### Applications Comments

Interested parties may submit comments regarding the specific use proposed in the application and plan of development, whether the BLM followed proper administrative procedures in reaching the decision, or any other factor not directly related to the suitability of the lands for schools. Any adverse comments will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of any adverse comments, these realty actions will become the final determination of the Department of the Interior. The classification of the land described in this Notice will become effective 60 days from the date of publication in the **Federal Register**. The lands will not be offered for lease/conveyance until after the classification becomes effective.

Dated: June 16, 2003.

**Sharon DiPinto,**

*Acting Assistant Field Manager, Division of Lands, Las Vegas, NV.*

[FR Doc. 03-17734 Filed 7-11-03; 8:45 am]

**BILLING CODE 4310-HC-P**

## DEPARTMENT OF THE INTERIOR

### Minerals Management Service

#### Agency Information Collection Activities: Proposed Collection; Comment Request

**AGENCY:** Minerals Management Service (MMS), Interior.

**ACTION:** Notice of New Information Collection Survey.

**SUMMARY:** To comply with the requirements of the Paperwork Reduction Act of 1995 (PRA), we are inviting comments on an information collection request (ICR) to conduct a new survey on Potential Impacts of OCS Activities on Bowhead Whale Hunting Activities in the Beaufort Sea. We are preparing an ICR that we will submit to the Office of Management and Budget (OMB) for review and approval.

**DATE:** Submit written comments by September 12, 2003.

**ADDRESSES:** Mail or hand carry comments to the Department of the Interior; Minerals Management Service; Attention: Rules Processing Team; Mail Stop 4024; 381 Elden Street; Herndon, Virginia 20170-4817.

**FOR FURTHER INFORMATION CONTACT:** Contact Arlene Bajusz, Rules Processing Team, telephone (703) 787-1600, to obtain a copy of the survey instruments. For more information on the survey itself, contact Dr. Dee Williams in the MMS Alaska Regional Office, telephone (907) 271-6680.

#### SUPPLEMENTARY INFORMATION:

*Title:* Survey Instruments—

Quantitative Description of Potential Impacts of OCS Activities on Bowhead Whale Hunting Activities in the Beaufort Sea.

*OMB Control Number:* 1010-NEW.

*Abstract:* The Minerals Management Service (MMS) of the U.S. Department of the Interior (USDOI) is responsible for oil and gas leasing on the Outer Continental Shelf (OCS) under the OCS Lands Act of 1953, the OCS Lands Act Amendments of 1978 (OCSLA), and the National Environmental Policy Act (NEPA) of 1969. OCSLA and NEPA require assessment of the effects of OCS oil and gas activities on adjacent human and physical environments. Therefore, USDOI/MMS acquires and analyzes and/or oversees collection and analysis of environmental, socio-economic, and socio-cultural information relevant to OCS decisions and uses that information in Environmental Assessments (EA) and Environmental Impact Statements (EIS).

This study is responsive to concerns among North Slope Borough (NSB) residents that oil exploration and development activities in general, and OCS activities in particular, are having an adverse effect on whale hunting and Inupiat life. There are three general areas of concern. First are the worries over the physical effects of seismic testing; the movement of barges, aircraft, and other transport vessels; and the erection of platforms. Many think these disruptions alter the feeding and migration patterns of bowhead whales

and other marine mammals. The result is that fall whaling crews must move further out to sea, thereby increasing both the danger and the costs of the hunt. There is also considerable anxiety over the contamination of wild foods and the environment from drilling cuts, mudflows, and production water wastes and petroleum discharges. Many of the residents in the smaller villages question the long-term consequences of altering freshwater habitats by draining lakes to build ice roads; the interference of oil well structures, fences, and pipeline on caribou crossings and the behavior of other land mammals; or the ability of local residents to access marine and land mammals.

The social, cultural, and economic impact of energy development is a second area of interest and apprehension. There are the direct benefits of economic growth that many look forward to, such as more employment opportunities, more discretionary income, and improved public services. There are also negative trends associated with industrialization, such as general anomie, excessive alcohol and drug use, abusive and self-destructive behavior, higher accident rates, loss of territory, restrictions on land use, loss of language and subsistence skills, dissolution of family relations, decline in community rituals and festivities, and the dilution of cultural values such as sharing, reciprocity, respect for others, and consensual decision making.

There is another, more intangible, worry about what some social scientists call an "opportunity-threat impact" or fears about what might happen to the health and well-being of one's family and community. The implications of economic and social change in the Arctic are not fully understood. Some welcome the transformation of the community and the availability of freshwater, sewers, and better housing. According to others, Iñupiat peoples have "over adapted" to the new industrial economy, which can threaten the long-term survival of cultural traditions and a distinctive way of life.

Whether the changes that accompany economic development are positive or destructive depends heavily on the regulatory regimes and mitigation measures that are in place, a final area of contention. Here, complaints have been voiced about the pressure on the NSB to deal with the accidents and the damages tied to development for which it is not responsible. This puts added stress on the capacity of the NSB to serve the needs of residents and is particularly troublesome in a time of

declining revenues and personnel layoffs.

The MMS proposes to collect the information in this study (1) to describe participation in bowhead whale hunting and its importance to and relationship with other traditional activities in three Iñupiat communities on Alaska's North Slope and one control community of similar size in the western part of the State; (2) to describe and analyze community assessments of the effects of oil and gas development and modernization on participation in traditional activities, especially bowhead whale hunting; (3) to describe and analyze community assessments of desired future conditions for whale hunting and related traditional activities; and (4) to describe how oil and gas development and other forces of modernization influence these desired future conditions for whaling and other traditional activities. The information collected will be used in regional EAs and EISs and will be used to make decisions on future oil and gas lease sales in the Beaufort Sea, currently scheduled for 2005 and 2007.

*Survey Instruments:* An integral aspect of the research effort is the development and administration of three survey instruments that will collect information about the North Slope communities of Barrow, Kaktovik, and Nuiqsut and the "control community" of Savoonga on St. Lawrence Island in the Bering Straits. The survey data are divided into five broad categories: demographic and economic characteristics; quantitative and qualitative summaries of participation in bowhead whaling and other subsistence activities; an assessment of residents' perceptions of the potential threats and benefits of OCS development to subsistence and other traditional activities, especially bowhead whaling; changes in the quality of life in each community, measured in both economic and cultural terms; and the way residents view the likely future of their communities.

The information under this proposed collection will be obtained through personal interviews with three distinct groups: whaling captains, adult-headed households and elders, and high school juniors and seniors. A separate survey, based on previous studies, has been developed for each of these groups.

The Whaling Captain Survey focuses on the patterns of participation in whale hunting activities and the possible impact of OCS development on these patterns. Demographic questions about age, length of time in the community, education, gender, shareholder status in village and regional corporations, and

family relations will reveal, in part, a captain's experience, understanding, and perspectives on social change and resource development. The Household Survey focuses on the effects of offshore oil industry activities on individual residents, households, and groups in each community. Population characteristics such as age, number, and relationships of people in the household and level of education are related to changes in employment, income, and economic opportunity. Gender, ethnic background, length of residency, and corporate membership can also result in divergent views about subsistence, development, language, and many other factors. The Student Survey focuses on perceptions about the effects of OCS oil and gas activities, documents student attitudes about Iñupiat traditions, and tracks changes in student behaviors that help assess inter-generational continuities. Responses may vary depending on age, ethnicity, and gender.

It is assumed in all three surveys that Native ancestry is predictably tied to participation in subsistence and other traditional cultural activities. Since only coastal Alaskan Natives can legally hunt bowhead whales and other marine mammals, the survey will include only Native residents. Variation in participation in subsistence and other traditional activities among groups, as well as over time, will be a key analytical focus.

*Interview Methods:* The interviews for each survey will be done face to face in a setting that is most comfortable for the respondent. This personal method is more expensive and time consuming for the researchers, but these drawbacks are outweighed by improvements in the quality of information obtained and the rapport established between the surveyor and the person interviewed. Telephone interviews have not been successful on the North Slope.

Households in Barrow, Kaktovik, Nuiqsut, and Savoonga (control village) will be randomly chosen for interviews. To achieve the desired statistical confidence level, smaller communities are sampled at a higher rate than are larger ones. Respondents will be paid for taking part in the survey.

*Frequency:* One-time survey.

*Estimated Number and Description of Respondents:* Approximately 614 respondents from Alaska's North Slope communities and a control group in western Alaska.

*Estimated Reporting and Recordkeeping "Hour" Burden:* All three surveys together are estimated to involve about 474 total burden hours, as described in the following chart.

Respondent categories	Estimated hour burden (minutes)	Estimated number of respondents	Estimated annual burden hours (rounded)
Whaling Captains:			
Barrow .....	50	43	36
Kaktovik .....	50	10	8
Nuiqsut .....	50	10	8
Savoonga .....	50	28	23
Subtotal .....		91	75
Households:			
NSB .....	45	281	211
Control Village .....	45	70	53
Subtotal .....		351	264
Elders:			
NSB .....	50	42	35
Control Village .....	50	20	17
Subtotal .....		62	52
High School (total) .....	45	110	83
Grand Total .....		614	474

#### *Estimated Reporting and Recordkeeping "Non-Hour Cost"*

**Burden:** No non-hour cost burden has been identified.

#### *Protections of Respondent Confidentiality*

Prior to every interview, an introduction will be read to each respondent explaining the voluntary nature of their participation, the right to refuse to answer any question, and the measures that are implemented to protect their confidentiality. With regard to participation in the Student Survey, parents will sign consent forms with an X for minor children who agree to be interviewed. Procedures designed to protect confidentiality will include the use of coded identification numbers to eliminate the use of personal names, reliance upon self-administration for the most sensitive component of the surveys, and strict adherence to the highest code of ethical conduct, including the framework adopted by the U.S. Interagency Arctic Research Policy Committee.

In the Household and Whaling Captain Surveys, there are three possible sensitive questions on annual household income, unemployment, and household finances. These questions have been used many times in past studies with few complaints. During the interviews, respondents will be warned that sensitive questions are coming up and that they may refuse to answer. The self-administered portion of the Student Survey contains sensitive questions about alcohol and drug use and sexual activity. The questions come directly from the Centers for Disease Control semiannual YRBSS questionnaire. This part of the survey will be self-

administered, and students may again choose not to answer any question. Upon completion, each student will privately place their questionnaire in a sealed envelope. The envelope will only be opened later by a data processor, who will not be aware of how any particular student answered the questions.

**Public Disclosure Statement:** The PRA (44 U.S.C. 3501, *et seq.*) provides that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. Until OMB approves a collection of information, you are not obligated to respond.

**Comments:** Before submitting an ICR to OMB, PRA section 3506(c)(2)(A) requires each agency " \* \* \* to provide notice \* \* \* and otherwise consult with members of the public and affected agencies concerning each proposed collection of information \* \* \* ". Agencies must specifically solicit comments to: (a) Evaluate whether the proposed collection of information is necessary for the agency to perform its duties, including whether the information is useful; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) enhance the quality, usefulness, and clarity of the information to be collected; and (d) minimize the burden on the respondents, including the use of automated collection techniques or other forms of information technology.

Agencies must also estimate the "non-hour cost" burdens to respondents or recordkeepers resulting from the collection of information. Therefore, if you, as the respondent, have costs to

generate, maintain, and disclose this information, you should comment and provide your total capital and startup cost components or annual operation, maintenance, and purchase of service components. You should describe the methods you use to estimate major cost factors, including system and technology acquisition, expected useful life of capital equipment, discount rate(s), and the period over which you incur costs. Capital and startup costs include, among other items, computers and software you purchase to prepare for collecting information, monitoring, and record storage facilities. You should not include estimates for equipment or services purchased: (i) Before October 1, 1995; (ii) to comply with requirements not associated with the information collection; (iii) for reasons other than to provide information or keep records for the Government; or (iv) as part of customary and usual business or private practices.

The MMS will summarize written responses to this notice and address them in the submission for OMB approval. As a result of your comments, MMS will make any necessary adjustments to the burden in the submission to OMB.

**Public Comment Policy:** The MMS's practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that their home address be withheld from the record, which will be honored to the extent allowable by law. If you wish to withhold your name and/or address, you must state this prominently at the

beginning of your comment. However, anonymous comments will not be considered. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

*MMS Information Collection Clearance Officer:* Jo Ann Lauterbach, (202) 208-7744.

Dated: July 3, 2003.

**E.P. Danenberger,**  
Chief, Engineering and Operations Division.  
[FR Doc. 03-17663 Filed 7-11-03; 8:45 am]

**BILLING CODE 4310-MR-P**

## INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 701-TA-435 and 731-TA-1036-1038 (Preliminary)]

### Certain 4,4'-Diamino-2,2'-Stilbenedisulfonic Acid Chemistry from China, Germany, and India

#### Determinations

On the basis of the record<sup>1</sup> developed in the subject investigations, the United States International Trade Commission (Commission) determines, pursuant to sections 703(a) and 733(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a) and 1673b(a)) (the Act), that there is no reasonable indication that an industry in the United States is materially injured or threatened with material injury, or that the establishment of an industry in the United States is materially retarded, by reason of imports from China, Germany, and India of certain 4,4'-diamino-2,2'-stilbenedisulfonic acid chemistry, provided for in subheadings 2921.59.20 and 3204.20.80 of the Harmonized Tariff Schedule of the United States,<sup>2</sup> that is alleged to be subsidized by the Government of India and that is alleged to be sold in the United States at less than fair value (LTFV).<sup>3</sup>

<sup>1</sup> The record is defined in sec. 207.2(f) of the Commission's rules of practice and procedure (19 CFR § 207.2(f)).

<sup>2</sup> 4,4'-Diamino-2,2'-stilbenedisulfonic acid is provided for in subheading 2921.59.20 and stilbenic fluorescent whitening agents are provided for in subheading 3204.20.80.

<sup>3</sup> Vice Chairman Jennifer A. Hillman and Commissioner Marcia E. Miller found two like products in these investigations: 4,4'-diamino-2,2'-stilbenedisulfonic acid and stilbenic fluorescent whitening agents. They found that imports of stilbenic fluorescent whitening agents from China and India are negligible and that there is no reasonable indication that an industry in the United States is materially injured or threatened with material injury, or that the establishment of an industry in the United States is materially retarded,

## Background

On May 14, 2003, a petition was filed with the Commission and Commerce by Ciba Specialty Chemicals Corp., Tarrytown, NY, alleging that an industry in the United States is materially injured and threatened with material injury by reason of subsidized imports from India and LTFV imports from China, Germany, and India of certain 4,4'-diamino-2,2'-stilbenedisulfonic acid chemistry. Accordingly, effective May 14, 2003, the Commission instituted countervailing duty and antidumping investigations Nos. 701-TA-435 and 731-TA-1036-1038 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of May 23, 2003 (68 FR 28252). The conference was held in Washington, DC, on June 4, 2003, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on June 30, 2003. The views of the Commission are contained in USITC Publication 3608 (July 2003), entitled Certain 4,4'-Diamino-2,2'-Stilbenedisulfonic Acid Chemistry from China, Germany, and India: Investigations Nos. 701-TA-435 and 731-TA-1036-1038 (Preliminary).

By order of the Commission.

Issued: July 8, 2003.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. 03-17651 Filed 7-11-03; 8:45 am]

**BILLING CODE 7020-02-P**

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

#### Manufacturer of Controlled Substances; Notice of Application

Pursuant to section 1301.33(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on March 28, 2003, Cambrex North Brunswick, Inc., Technology Centre of New Jersey, 661 Highway One, North Brunswick, New Jersey 08902, made application by renewal to the Drug Enforcement

Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Methamphetamine (1105) .....	I
N-Ethylamphetamine (1475) .....	I
Tetrahydrocannabinols (7370) .....	I
2,5-Dimethoxyamphetamine (7396) .....	I
3,4-Methylenedioxymphetamine (7400) .....	I
4-Methoxyamphetamine (7411) ....	I
Amphetamine (1100) .....	II
Methylphenidate (1724) .....	II
Morphine (9300) .....	II
Fentanyl (9801) .....	II

The firm plans to manufacture the listed controlled substances for distribution to its customers.

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the proposed registration.

Any such comments or objections may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: Federal Register Representative, Office of Chief Counsel (CCD) and must be filed no later than September 13, 2003.

Dated: June 25, 2003.

**Laura M. Nagel,**

*Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.*

[FR Doc. 03-17715 Filed 7-11-03; 8:45 am]

**BILLING CODE 4410-09-M**

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

#### Importation of Controlled Substances; Notice of Application

Pursuant to section 1008 of the Controlled Substances Import and Export Act (21 U.S.C. 958(1)), the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in Schedule I or II and prior to issuing a registration under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore, in accordance with section 1301.34 of Title 21, Code of Federal Regulations (CFR), notice is hereby given that on March 20, 2003, Cambrex North Brunswick, Inc., Technology

Centre of New Jersey, 661 Highway One, North Brunswick, New Jersey 08902, made application by renewal to the drug Enforcement Administration to be registered as an importer of Phenylacetone (8501), a basic class of controlled substance listed in Schedule II.

The firm plans to import the listed controlled substances to manufacture amphetamine.

Any manufacturer holding, or applying for, registration as a bulk manufacturer of this basic class of controlled substances may file written comments on or objections to the application described above and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.43 in such form as prescribed by 21 CFR 1316.47.

Any such comments, objections, or requests for a hearing may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: Federal Register Representative, Office of Chief Counsel (CCD) and must be filed no later than September 13, 2003.

This procedure is to be conducted simultaneously with an independent of the procedures described in 21 CFR 1301.34(b), (c), (d), (e), and (f). As noted in a previous notice at 40 FR 43745-46 (September 23, 1975), all applicants for registration to import a basic class of any controlled substance in Schedule I or II are and will continue to be required to demonstrate to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1311.42(a), (b), (c), (d), (e) and (f) are satisfied.

Dated: June 25, 2003.

**Laura M. Nagel,**

*Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.*

[FR Doc. 03-17716 Filed 7-11-03; 8:45 am]

BILLING CODE 4410-09-M

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

#### Deanwood Pharmacy: Denial of Application for Registration

##### I. Background

On September 5, 2001, the Deputy Assistant Administrator, Office of

Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Deanwood Pharmacy (Respondent) of Washington, DC, notifying Respondent of an opportunity to show cause as to why DEA should not deny its application for DEA registration as a pharmacy pursuant to 21 U.S.C. 824(a)(2) and (3) and 823(f), on the ground that such registration would be inconsistent with the public interest. As a basis for revocation, the Order to Show Cause alleged that (1) Respondent's employee, Mr. Watson, was hired in violation of 21 CFR 1301.76, since the Respondent did not seek a waiver of this provision prior to hiring him; (2) that Mr. Watson had used Deanwood Pharmacy's previous DEA Certificate of Registration to purchase various controlled substances for his personal use; (3) that in April 1999, DEA investigators performed an accountability audit of controlled substances, resulting in a finding of overages and shortages of the audited drugs; and (4) that on October 22, 1999, Mr. Watson was convicted, upon entry of a guilty pleas, of an offense related to this handling of controlled substances.

By letter filed on October 12, 2001, the Respondent's owner requested a hearing in this matter. On November 6, 2001, Administrative Law Judge Gail A. Randall (the ALJ) issued an Order for Prehearing Statements. On November 15, 2001, the Government filed a Motion for Summary Disposition (Motion).

The Government attached to its Motion an affidavit from Antoinette J. Williams, the Chief of DEA's registration had been surrendered on April 2, 1999, and that the Respondent had submitted a new application for a DEA Certificate of Registration for a retail pharmacy on or around April 12, 1999. The Government also attached a letter dated August 1, 2001, from the Government of the District of Columbia, Department of Health, asserting that Deanwood Pharmacy did not have a current pharmacy license or DC Controlled Substance Registration.

Based on the attachments, the Government argued that the Respondent did not have a valid license to operate a pharmacy or to handle controlled substances in the jurisdiction of his requested DEA certificate. Accordingly, the Government asserted that the Respondent's pending DEA application must be denied.

After numerous extensions of time and motions to stay proceedings, the ALJ issued an Order on January 30, 2002, giving the respondent until February 22, 2002, to respond to the Government's Motion. On that date, the Respondent filed an Opposition to

Government's Motion for Summary Disposition, asserting that the Respondent had a pending application filed on January 11, 2002, before the Department of Health for the District of Columbia, (Department of Health) for a controlled substances registration. The Respondent also noted that the Government contacted the Department of Health on or about January 18, 2002, and provided that office the information in the show cause order in this matter. As a result of the exchange of information, the Respondent now believed that the Department of Health's decision regarding the application for authority to handle controlled substances would not be resolved for several months. Accordingly, the Respondent asked that this matter be stayed until a decision was rendered by the Department of Health, in order to avoid further delay in DEA's processing of Respondent's application. The Respondent did not disagree with the Government's assertions that the Respondent was currently not authorized to handle controlled substances in the District of Columbia, the business address of the Respondent-pharmacy, or that the Respondent lacked a pharmacy license.

By order of March 7, 2002, the ALJ granted the Government's Motion, on the ground that DEA does not have statutory authority under the Controlled Substances Act to grant a registration if the applicant has no state authority to dispense controlled substances.

##### II. Final Order

The Acting Administrator adopts the ALJ's decision granting the Government's Motion, and all of the ALJ's prior decisions on motions in this matter. The Acting Administrator has carefully reviewed the entire record in this matter, as defined above, and hereby issues this final rule and final order prescribed by 21 CFR 1316.67 and 21 CFR 1301.46, based upon the following findings of fact and conclusions.

As stated by the ALJ in her order granting the Government's motion, DEA has no authority to grant a registration if the registrant is without state authority to dispense controlled substances in the state in which the Respondent's business is located. 21 U.S.C. 823(f) and 824(a)(3): *See* Graham Travers Schuler, M.D., 65 FR 50,570 (DEA 2000); *see also* Saihb S. Halil, M.D., 64 FR 33,319 (DEA 1999); Greenbelt Professional Pharmacy, 57 FR 55,000 (DEA 1992).

Moreover, when there is not material questions of fact involved, or when the facts are agreed upon, there is no need

for a plenary, administration hearing. Congress did not intend for administrative agencies to perform meaningless tasks. *See Michael G. Dolin*, M.D., 65 FR 5,661 (2000); *see also Jesus R. Juarez*, M.D., 62 FR 14,945 (1997); Philip E. Kirk, M.D., 48 FR 32,887 (1983), *aff'd sub nom Kirk v. Mullen*, 749 F.2d 297 (6th Cir. 1984).

In the instate case, the documents attached to the Government's Motion fully support the allegation that Respondent does not have state authority to handle controlled substances. Moreover, the Respondent does not argue that this information is incorrect. Accordingly, absent an affirmative dispute of that fact by the Respondent, there is no need for a hearing in this matter.

Furthermore, as the ALJ found, given DEA's lack of statutory authority to grant the Respondent's application for a DEA registration, due to the Respondent's lack of authority to handle controlled substances in the District of Columbia, it is unnecessary to determine whether the Respondent's application should be denied based upon any of the other grounds alleged in the Order to Show Cause. *See Greenbelt Professional Pharmacy* at 55,000 (respondent's lack of state authorization to handle controlled substances makes it unnecessary to decide the issue of whether respondent's continued registration is consistent with the public interest.)

In conclusion, considering the Government's evidence and the Respondent's failure to deny that it is not currently authorized to handle controlled substances in the District of Columbia, the Acting Administrator finds that the Respondent currently does not have authority to handle controlled substances in the location of its place of business on its application for a DEA registration. Accordingly, the Government's Motion for Summary Disposition is granted, and the Respondent's application for DEA registration is hereby denied. This order is effective August 13, 2003.

Dated: June 23, 2003.

**William B. Simpkins,**

*Acting Administrator.*

[FR Doc. 03-17713 Filed 7-11-03; 8:45 am]

**BILLING CODE 4410-09-M**

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

#### Manufacturer of Controlled Substances; Notice of Application

Pursuant to section 1301.33(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on November 18, 2002, Novus Fine Chemicals, LLC, 611 Broad Street, Carlstadt, New Jersey 07072-1317, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic class of Methylphenidate (1724), a Schedule II controlled substance.

The firm plans to manufacture bulk Methylphenidate to distribute to its customers for the manufacture of finished products.

Any other such applicant and any person who is presently registered with DEA to manufacture such a substance may file comments or objections to the issuance of the proposed registration.

Any such comments or objections may be addressed, in quintuplicate, to the Deputy Assistance Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCD) and must be filed no later than September 12, 2003.

**Laura M. Nagel,**

*Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.*

[FR Doc. 03-17714 Filed 7-11-03; 8:45 am]

**BILLING CODE 4410-09-M**

## DEPARTMENT OF LABOR

### Office of the Secretary

#### Submission for OMB Review; Comment Request

July 8, 2003.

The Department of Labor (DOL) has submitted the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. Chapter 35). A copy of this ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor. To obtain documentation, contact Vanessa Reeves on 202-693-4124 (this is not a toll-free number) or e-mail: [reeves.vanessa2@dol.gov](mailto:reeves.vanessa2@dol.gov).

Comments should be sent to Office of Information and Regulatory Affairs,

Attn: OMB Desk Officer for the Bureau of Labor Statistics (BLS), Office of Management and Budget, Room 10235, Washington, DC 20503 (202-395-7316/this is not a toll-free number), within 30 days from the date of this publication in the **Federal Register**.

The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

*Agency:* Bureau of Labor Statistics.

*Type of Review:* Reinstatement, without change, of a previously approved collection for which approval has expired.

*Title:* CPS Volunteer Supplement.

*OMB Number:* 1220-0176.

*Affected Public:* Individuals or households.

*Frequency:* Annually.

*Type of Response:* Reporting.

*Number of Respondents:* 112,000.

*Number of Annual Responses:* 112,000.

*Estimated Time Per Responses:* 4 minutes.

*Total Burden Hours:* 7,467.

*Total Annualized Capital/Startup Costs:* \$0.

*Total Annual Costs (operating/maintaining systems or purchasing services):* \$0.

*Description:* The Current Population Survey (CPS) Volunteer Supplement provides information on the total number of individuals in the U.S. involved in unpaid volunteer activities, factors that motivate volunteerism, measures of the frequency or intensity with which individuals volunteer, types of organizations that facilitate volunteerism, and activities in which volunteers participate.

**Darrin A. King,**

*Acting Departmental Clearance Officer.*

[FR Doc. 03-17704 Filed 7-11-03; 8:45 am]

**BILLING CODE 4510-24-M**



**DEPARTMENT OF LABOR****Employee Benefits Security Administration****Working Group on Optional Professional Management; Advisory Council on Employee Welfare and Pension Benefits Plans; Notice of Meeting**

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, a public meeting will be held Friday, July 25, 2003, of the Advisory Council on Employee Welfare and Pension Benefit Plans Working Group assigned to study optional professional management for defined contribution plans.

The session will take place in Room N-3437 B-C, U.S. Department of Labor Building, 200 Constitution Avenue, NW., Washington, DC 20210. The purpose of the open meeting, which will run from 9 a.m. to approximately 3:30 p.m., is for Working Group members to hear testimony from invited witnesses.

Members of the public are encouraged to file a written statement pertaining to the topic by submitting 20 copies before July 20, 2003 to Sharon Morrissey, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Room N-5677, 200 Constitution Avenue, NW., Washington, DC 20210. Individuals or representatives of organizations wishing to address the working group should contact the Executive Secretary by mail or call (202) 693-8668 before July 20. Oral presentations should be limited to 20 minutes, but an extended statement may be submitted for the record. Individuals with disabilities who need special accommodations should contact the Executive Secretary by mail or phone before July 20.

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statements should be sent to the Executive Secretary before July 20. Papers received after that date will not be included in the record of the meeting.

Signed in Washington, DC this 8th day of July 2003.

**Ann L. Combs,**

*Assistant Secretary, Employee Benefits Security Administration.*

[FR Doc. 03-17705 Filed 7-11-03; 8:45 am]

**BILLING CODE 4510-29-M**

**DEPARTMENT OF LABOR****Employee Benefits Security Administration****Working Group on Defined Benefit Funding and Discount Rate Issues, Advisory Council on Employee Welfare and Pension Benefits Plans; Notice of Meeting**

Pursuant to the authority contained in section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, a public meeting will be held Thursday, June 24, 2003, of the Advisory Council on Employee Welfare and Pension Benefit Plans Working Group assigned to study defined benefit plan funding and discount rate issues.

The session will take place in Room N-3437 B-C, U.S. Department of Labor Building, Second and Constitution Avenue, NW., Washington, DC 20210. The purpose of the open meeting, which will run from 9 a.m. to approximately 4 p.m., is for Working Group members to hear from witnesses representing a variety of viewpoints on the issue of the discount rate for defined benefit plans and related funding issues.

Members of the public are encouraged to file a written statement pertaining to the topic by submitting 20 copies before July 20, 2003 to Sharon Morrissey, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Room N-5677, 200 Constitution Avenue, NW., Washington, DC 20210. Individuals or representatives of organizations wishing to address the Working Group should contact the Executive Secretary by mail or call (202) 693-8668 before July 20. Oral presentations should be limited to 20 minutes, but an extended statement may be submitted for the record. Individuals with disabilities who need special accommodations should contact the Executive Secretary by mail or phone before July 20.

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statements should be sent to the Executive Secretary before July 20. Papers received after that date will not be included in the record of the meeting.

Signed in Washington, DC this 8th day of July 2003.

**Ann L. Combs,**

*Assistant Secretary, Employee Benefits Security Administration.*

[FR Doc. 03-17706 Filed 7-11-03; 8:45 am]

**BILLING CODE 4510-29-M**

**DEPARTMENT OF LABOR****Employee Benefits Security Administration****Working Group on Health Care Security, Advisory Council on Employee Welfare and Pension Benefits Plans; Notice of Meeting**

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, a public meeting will be held Wednesday, July 23, 2003, of the Advisory Council on Employee Welfare and Pension Benefit Plans Working Group assigned to study the issue of health care security, including consumer-directed health plans and self-insured plans.

The session will take place in Room N-3437 B-C, U.S. Department of Labor Building, 200 Constitution Avenue, NW., Washington, DC 20210. The purpose of the open meeting, which will run from 9 a.m. to approximately 4 p.m., is for Working Group members to hear testimony from invited witnesses.

Members of the public are encouraged to file a written statement pertaining to the topic by submitting 20 copies before July 20, 2003 to Sharon Morrissey, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Room N-5677, 200 Constitution Avenue, NW., Washington, DC 20210. Individuals or representatives of organizations wishing to address the Working Group should contact the Executive Secretary by mail or call (202) 693-8668 before July 20. Oral presentations should be limited to 20 minutes, but an extended statement may be submitted for the record. Individuals with disabilities who need special accommodations should contact the Executive Secretary by mail or phone before July 20.

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statements should be sent to the Executive Secretary before July 20. Papers received after that date will not be included in the record of the meeting.

Signed in Washington, DC this 8th day of July 2003.

**Ann L. Combs,**

*Assistant Secretary, Employee Benefits Security Administration.*

[FR Doc. 03-17707 Filed 7-11-03; 8:45 am]

**BILLING CODE 4510-29-M**



## NUCLEAR REGULATORY COMMISSION

### Advisory Committee on the Medical Uses of Isotopes: Meeting Notice

**AGENCY:** U.S. Nuclear Regulatory Commission.

**ACTION:** Notice of meeting.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) will convene a teleconference meeting on July 17, 2003, between members of NRC staff and the Advisory Committee on the Medical Uses of Isotopes (ACMUI). This meeting will be held to discuss and develop the ACMUI's recommendations regarding NRC staff's proposed language to amend the training and experience requirements for authorized users, authorized medical physicists, authorized nuclear pharmacists, and radiation safety officers, as these requirements are currently outlined in the revised 10 CFR part 35. During this meeting, NRC staff and ACMUI will engage in detailed discussions pertaining to NRC staff's recommendations contained in a draft document that staff will later finalize and forward to the Commission for a vote. The draft document contains predecisional information not appropriate for public release. Therefore, the NRC staff has determined that this meeting must be closed to the public, so that the confidential nature of the document and the associated discussion is protected.

**DATES AND TIME:** July 17, 2003.

**ADDRESSES:** U.S. Nuclear Regulatory Commission, Two White Flint North Building, 11545 Rockville Pike, Rockville, MD 20852-2738.

**FOR FURTHER INFORMATION CONTACT:** Angela R. Williamson, telephone (301) 415-5030; e-mail [arw@nrc.gov](mailto:arw@nrc.gov) of the Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

### Conduct of the Meeting

Leon S. Malmud, M.D., designated Vice Chair, will conduct the meeting. Dr. Malmud will conduct the meeting in a manner that will facilitate the orderly conduct of business.

This meeting will be held in accordance with the Atomic Energy Act of 1954, as amended (primarily section 161a); the Federal Advisory Committee Act (5 U.S.C. App); and the Commission's regulations in Title 10, *U.S. Code of Federal Regulations*, part 7.

Dated: July 7, 2003.  
Annette Vietti-Cook,  
*Secretary of the Commission.*  
[FR Doc. 03-17703 Filed 7-11-03; 8:45 am]  
BILLING CODE 7590-01-M

## RAILROAD RETIREMENT BOARD

### Agency Forms Submitted for OMB Review

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Railroad Retirement Board (RRB) has submitted the following proposal(s) for the collection of information to the Office of Management and Budget for review and approval.

#### Summary of Proposal(s)

- (1) *Collection title:* Repayment of Debt.
- (2) *Form(s) submitted:* G-421f.
- (3) *OMB Number:* 3220-0169.
- (4) *Expiration date of current OMB clearance:* September 30, 2003.
- (5) *Type of request:* Extension of a currently approved collection.
- (6) *Respondents:* Individuals or households.
- (7) *Estimated annual number of respondents:* 300.
- (8) *Total annual responses:* 300.
- (9) *Total annual reporting hours:* 25.
- (10) *Collection description:* Section 2 of the Railroad Retirement Act provides for payment of annuities to retired or disabled railroad employees, their spouses, and eligible survivors. When the RRB determines that an overpayment of RRA benefits has occurred, it initiates prompt action to notify the claimant of the overpayment and to recover the amount owed. The collection obtains information needed to allow for repayment by the claimant by credit card, in addition to the customary form of payment by check or money order.

**FOR FURTHER INFORMATION CONTACT:** Copies of the forms and supporting documents can be obtained from Chuck Mierzwa, the agency clearance officer (312-751-3363).

Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois, 60611-2092 and to the OMB Desk Officer for the RRB, at the Office of Management and Budget, Room

10230, New Executive Office Building, Washington, DC 20503.

Chuck Mierzwa,  
*Clearance Officer.*  
[FR Doc. 03-17666 Filed 7-11-03; 8:45 am]  
BILLING CODE 7905-01-M

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-48132; File No. SR-AMEX-2002-112]

### Self-Regulatory Organizations; Order Approving Proposed Rule Change and Amendment No. 1 Thereto by the American Stock Exchange LLC Relating to Its Performance Evaluation and Allocations Procedures

July 7, 2003.

On December 19, 2002, the American Stock Exchange LLC ("Amex" or "Exchange"), filed with the Securities and Exchange Commission ("Commission"), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> a proposed rule change to revise its performance evaluation and allocations procedures. On May 1, 2003 the Amex amended the proposed rule change.<sup>3</sup> Specifically, Amex proposes to modify Amex Rule 26 to reduce the size of the Performance Committee and related subcommittees, while also modifying the committee pool balance where specialist relations with listed companies or Exchange Traded Funds ("ETF") sponsors are in issue. The proposed rule change also modifies Amex Rules 26(e) and 29(d) to establish deadlines for submission of materials to Amex staff to accommodate transmission of materials in connection with specialist minimum performance standard meetings.<sup>4</sup> Finally, the proposed rule change eliminates the Notice of Marketing Interest ("NOMI") process in Amex Rule 27 that previously

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> See Letter from William Floyd Jones, Associate General Counsel, Amex, to Nancy Sanow, Assistant Director, Division of Market Regulation ("Division"), Commission, dated April 30, 2003 ("Amendment No. 1"). In Amendment No. 1 the Exchange submitted a new Form 19b-4 which replaced the original filing in its entirety.

<sup>4</sup> Persons that are the subject of performance reviews have a reasonable amount of time between delivery of the written notice and the Committee's meeting to prepare their presentation to the Committee. A mutually convenient date for the performance review is selected by the person being reviewed and the Committee. Telephone discussions between William Floyd-Jones, Assistant General Counsel, Amex, Christopher B. Stone, Special Counsel, and Mia C. Zur, Attorney, Division, Commission (January 30 and 31, 2003).

required equity specialists to obtain written approval prior to contacting an unlisted company.

The proposed rule change, as amended, was published for comment in the **Federal Register** on June 2, 2003.<sup>5</sup> The Commission received no comments on the proposal.

After careful review, the Commission finds that the proposed rule change, as amended, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.<sup>6</sup> Specifically, the Commission finds that the proposed rule change promotes the objectives of section 6(b)(5) of the Act,<sup>7</sup> which requires among other things, that the rules of the Exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and national market system, and in general, to protect investors and the public interest.

The Commission believes that the proposed rule change is a reasonable modification of the Exchange's performance evaluation and allocations procedures as it is intended to enable the Performance Committee to operate more flexibly and responsively, as well as to more accurately reflect the views of issuers and ETF sponsors in certain situations. Additionally, the timely disclosure of information and materials to the Performance Committee and the Market Quality Committee will ensure adequate time for review and distribution to participants. Finally, the elimination of the now outdated NOMI process will better serve to facilitate the Exchange's listing efforts by removing a process that caused the unintended result of specialist firms requesting NOMIs to contact an unlisted company without then undertaking substantial contact with them.

*It is therefore ordered*, pursuant to section 19(b)(2) of the Act,<sup>8</sup> that the amended proposed rule change (SR-AMEX-2002-112) be, and hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>9</sup>

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 03-17668 Filed 7-11-03; 8:45 am]

BILLING CODE 8010-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-48130; File No. SR-DTC-2003-08]

### Self-Regulatory Organizations; The Depository Trust Company; Order Granting Approval of a Proposed Rule Change Relating to Rule 4(A), Pledge of Property to the Corporation and Its Lenders

July 3, 2003.

#### I. Introduction

On May 6, 2003, The Depository Trust Company ("DTC") filed with the Securities and Exchange Commission ("Commission") proposed rule change SR-DTC-2003-08 pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act").<sup>1</sup> Notice of the proposal was published in the **Federal Register** on May 21, 2003.<sup>2</sup> No comment letters were received. For the reasons discussed below, the Commission is granting approval of the proposed rule change.

#### II. Description

Each DTC participant pays or receives the net debit or net credit balance in its DTC money settlement account at the end of each day. DTC's principal risk is the possible failure of one or more participants to settle their net debit obligations. To assure that it is able to complete its settlement obligations each day, DTC maintains liquidity resources, including a committed line of credit (maximum amount of \$1.75 billion) with a consortium of banks. This committed line of credit is part of a combined syndicated facility with National Securities Clearing Corporation ("NSCC").

The line of credit matures annually. As part of the negotiations to extend the facility for the year beginning May 27, 2003, the lenders requested that Section 1 of DTC's Rule 4(A), "Pledge of Property to the Corporation and its Lenders," be clarified.<sup>3</sup> That section

currently provides that for the purpose of securing loans to DTC, DTC may pledge and repledge and grant its lenders a security interest in (i) cash deposits in the participants fund and all securities, repurchase agreements, or deposits in which such cash is invested, (ii) net additions, including any security entitlements of participants in net additions, and (iii) preferred stock. That section also provides that any such loan to DTC may be on such terms as DTC, in its discretion, may deem necessary or advisable and may be in amounts greater and extend for time periods longer than the obligations of any participant in DTC. It further provides that no lender shall be obligated to return any pledged collateral prior to the full repayment of any loan secured thereby.

DTC is adding language to Section 1 of Rule 4(A) to make clear what is implicit in the current rule that while there remain any outstanding obligations under any such loan, no participant may assert a claim against the lender for the return of any collateral pledged by DTC as security therefore.<sup>4</sup> Subject to the foregoing and the terms of any such loan, the obligation of DTC to return any items of pledged collateral to its participants or to permit substitutions and withdrawals thereof remains unaffected.

In addition, the rule change makes a technical correction to the definition of the term "pledge" in Rule 1 necessitated by the recent revisions to Article 9 of the New York Uniform Commercial Code ("NYUCC"). Currently, the definition of "pledge" refers to Section 9-115 of the NYUCC. The references to that specific section are deleted so DTC's definition refers to the NYUCC in general.

#### III. Discussion

Section 17A(b)(3)(F) of the Act requires, among other things, that the rules of a clearing agency be designed to assure the safeguarding of securities and funds which are in its custody or control or for which it is responsible.<sup>5</sup> By adding language, as requested by its lenders, to its rules to make clear the rights of DTC, lenders, and participants with respect to pledged deposits, the

No. 47874 (May 15, 2003), 68 FR 27881 (May 21, 2003) [File No. NSCC-2003-08].

<sup>4</sup> The new language states, "No Participant shall have any right, claim or action against any secured Lender (or any collateral agent of such secured Lender) for the return, or otherwise in respect, of any such collateral Pledged by the Corporation to such secured Lender (or its collateral agent), so long as any loans made by such Lender to the Corporation or other obligations, secured by such collateral, are unpaid and outstanding."

<sup>5</sup> 15 U.S.C. 78q-1(b)(3)(F).

<sup>5</sup> See Securities Exchange Act Release No. 47914 (May 23, 2003), 68 FR 32782 (June 2, 2003).

<sup>6</sup> In approving this proposed rule change, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

<sup>7</sup> 15 U.S.C. 78f(b)(5).

<sup>8</sup> 15 U.S.C. 78s(b)(2).

<sup>9</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> Securities Exchange Act Release No. 47875 (May 15, 2003), 68 FR 27877.

<sup>3</sup> The lenders made a similar request of NSCC which also resulted in the filing of a proposed rule change by NSCC. Securities Exchange Act Release

proposed rule change will help DTC maintain adequate liquidity resources and therefore should help assure DTC's ability to safeguard securities and funds.

#### IV. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the requirements of the Act and in particular with the requirements of section 17A of the Act and the rules and regulations thereunder applicable.

*It is therefore ordered*, pursuant to section 19(b)(2) of the Act, that the proposed rule change (File No. SR-DTC-2003-08) be and hereby is approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.<sup>6</sup>

**Margaret H. McFarland,**  
Deputy Secretary.

[FR Doc. 03-17710 Filed 7-11-03; 8:45 am]

BILLING CODE 8010-01-P

#### SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-48136; File No. SR-MSRB-2003-05]

#### Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Municipal Securities Rulemaking Board Relating to Electronic Mail Contacts

July 8, 2003.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),<sup>1</sup> and rule 19b-4 thereunder<sup>2</sup> notice is hereby given that on July 1, 2003, the Municipal Securities Rulemaking Board ("Board" or "MSRB") filed with the Securities and Exchange Commission ("Commission" or "SEC") a proposed rule change (File No. SR-MSRB-2003-05). The proposed rule change is described in Items I, II, and III below, which Items have been prepared by the Board. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Board is filing herewith a proposed rule change relating to technical amendments to Form G-40, on electronic mail contacts. The proposed rule change will become operative on

August 4, 2003. Below is the text of the proposed rule change. Proposed new language is italicized; proposed deletions are in brackets.

\* \* \* \* \*

#### Form G-40

##### Electronic Mail Contacts

MSRB Registration Number \_\_\_\_\_

Check one:

☐ Original Form

☐ Amended Form

Name of Dealer: \_\_\_\_\_

Date: \_\_\_\_\_

The dealer named above designates (name) \_\_\_\_\_ as its Primary Electronic Mail Contact for purposes of electronic communications with the MSRB. This Primary Contact person is *either a Series 53-registered municipal securities principal or a Series 51-registered municipal fund securities limited principal* with the dealer.

E-Mail Address of Primary Contact: \_\_\_\_\_

Phone Number of Primary Contact: \_\_\_\_\_

Individual CRD Number of Primary Contact (NASD member firms only): \_\_\_\_\_

(Optional): The dealer named above designates (name) \_\_\_\_\_ as its Optional Electronic Mail Contact.

E-mail Address of Optional Contact: \_\_\_\_\_

Phone Number of Optional Contact: \_\_\_\_\_

Name and title of person preparing this Form: \_\_\_\_\_

Signature: \_\_\_\_\_

Telephone number: \_\_\_\_\_

#### New Forms Must be Mailed to

MSRB, 1900 Duke Street, Suite 600,  
Alexandria, VA 22314.

[Updates to the Form Shall be Submitted] *Forms May Be Amended Electronically [Via the G-40 Log-In On] By Logging on to the MSRB'S Web Site ([www.msrb.org](http://www.msrb.org)) and Using the Primary Contact's User ID and Password to Change Information Relating to That Person, or Using the Optional Contact's User ID and Password To Change Information Relating to That Person.*

\* \* \* \* \*

#### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the MSRB included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The texts of these statements may be examined at the places specified in Item IV below. The MSRB has prepared summaries, set forth in Sections A, B, and C below, of

the most significant aspects of such statements.

#### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

##### 1. Purpose

On June 6, 2002, the SEC approved MSRB Rule G-40, on electronic mail ("E-mail") contacts, and Form G-40, as well as related amendments to Rule G-8, on books and records, and Rule G-9, on preservation of records.<sup>3</sup> Rule G-40 requires each broker, dealer and municipal securities dealer (collectively referred to as "dealers") to use Form G-40 to appoint an E-mail contact to serve as the official contact person for purposes of electronic communication between the dealer and the MSRB (the "Primary Contact"). This E-mail contact must be a registered municipal securities principal with the dealer.<sup>4</sup>

Previously, the MSRB provided that dealers whose only municipal securities activities consisted of transactions in municipal fund securities (Section 529 college savings plans and local government investment pools) could appoint either a general securities principal (Series 24) or an investment company/variable contracts limited principal (Series 26) as their Primary Contact until March 31, 2003.<sup>5</sup> In addition to serving as a Primary Contact pursuant to Rule G-40, a Series 24 or 26 principal was permitted, pursuant to Rule G-3, to supervise the dealer's activities with respect to municipal fund securities until March 31, 2003. This transition period was meant to accommodate such dealers until the new Series 51 examination for municipal fund securities limited principals became available.<sup>6</sup> As of April 1, 2003, every dealer is required, pursuant to Rule G-3 on professional qualifications, to have either a municipal fund securities limited principal (Series 51) or a municipal securities principal (Series 53), as appropriate, even if the dealer's only municipal securities activities consist of transactions in municipal fund securities. In addition, every dealer is required to have either a Series 51 or Series 53 principal as their Primary Contact. The proposed rule change

<sup>3</sup> Release No. 34-46043 (June 6, 2002) 67 FR 40762. The Rule became effective on September 4, 2002.

<sup>4</sup> Dealers also have the option of appointing a second contact person (the "Optional Contact").

<sup>5</sup> See MSRB Notices 2003-1 (January 9, 2003) and 2003-6 (February 28, 2003).

<sup>6</sup> The Series 51 examination has been available since January 2, 2003, and is administered through NASD's PROCTOR system.

<sup>6</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

clarifies that, for purposes of Rule G-40, the dealer's Primary Contact may be either a Series 53-registered municipal securities principal or a Series 51-registered municipal fund securities limited principal. Thus, dealers who previously listed a Series 24 or 26 principal as their Primary Contact on Form G-40 should amend their form electronically by visiting the MSRB's Web site (<http://www.msrb.org>) and listing either a Series 53 or 51 principal as their new Primary Contact. Of course, no amendment is necessary if this is the same person, *i.e.*, the Series 24 or 26 previously listed has taken and passed the Series 53 or 51 examination.

The proposed rule change also clarifies that a dealer may amend its Form G-40 electronically by logging on to the MSRB's web site. Finally, the amendments require that dealers note whether the form they are submitting is an original or amended Form G-40; this will facilitate the MSRB's processing of such forms.

## 2. Basis

The MSRB has adopted the proposed rule change pursuant to Section 15B(b)(2)(I) of the Exchange Act, which authorizes the MSRB to adopt rules that provide for the operation and administration of the MSRB. The MSRB also believes that the proposed rule change will facilitate effective electronic communications between dealers and the MSRB.

### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The MSRB does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act since it would apply equally to all brokers, dealers and municipal securities dealers.

### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others*

Written comments were neither solicited nor received.

## III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change: (i) Does not significantly affect the protection of investors or the public interest; (ii) does not impose any significant burden on competition; (iii) was provided to the SEC for its review at least five business days prior to the filing date; and (iv) does not become operative until August 4, 2003, which is more than thirty (30) days after the date

of its filing, the MSRB has submitted this proposed rule change to become effective pursuant to section 19(b)(3)(A) of the Act<sup>7</sup> and Rule 19b-4(f)(6) thereunder.<sup>8</sup> In particular, the MSRB believes the proposed rule change qualifies as a "non-controversial filing" in that the proposed rule change does not significantly affect the protection of investors or the public interest and does not impose any significant burden on competition.

## IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-0609. Copies of the submissions, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of the filing will also be available for inspection and copying at the Board's offices. All submissions should refer to File No. SR-MSRB-2003-05 and should be submitted by August 4, 2003.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>9</sup>

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 03-17708 Filed 7-11-03; 8:45 am]

**BILLING CODE 8010-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-48138; File No. SR-NASD-2003-71]

### **Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the National Association of Securities Dealers, Inc. Regarding Fees for the Automated Confirmation Transaction Service**

July 8, 2003.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on April 14, 2003 the National Association of Securities Dealers, Inc. ("NASD"), through its subsidiary, The Nasdaq Stock Market, Inc. ("Nasdaq"), filed a proposed rule change with the Securities and Exchange Commission ("SEC" or "Commission"). On April 22, 2003, Nasdaq filed Amendment No. 1 to the proposed rule change.<sup>3</sup> On May 28, 2003, Nasdaq filed Amendment No. 2 to the proposed rule change.<sup>4</sup> On June 19, 2003, Nasdaq filed Amendment No. 3 to the proposed rule change.<sup>5</sup> The proposed rule change is described in Items I, II, and III below, which Items have been prepared by Nasdaq. Nasdaq has designated this proposal as one establishing or changing a due, fee, or other charge imposed by Nasdaq under Section 19(b)(3)(A)(ii) of the Act,<sup>6</sup> and Rule 19b-4 thereunder, which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> See letter from John M. Yetter, Assistant General Counsel, Nasdaq, to Katherine A. England, Assistant Director, Division of Market Regulation ("Division"), Commission dated April 21, 2003. In Amendment No. 1, Nasdaq replaced its proposed rule change in its entirety.

<sup>4</sup> See letter from Mary M. Dunbar, Vice President and Deputy General Counsel, Nasdaq, to Katherine A. England, Assistant Director, Division, Commission dated May 27, 2003. In Amendment No. 2, Nasdaq replaced its proposed rule change in its entirety.

<sup>5</sup> See letter from Mary M. Dunbar, Vice President and Deputy General Counsel, Nasdaq, to Katherine A. England, Assistant Director, Division, Commission dated June 18, 2003. In Amendment No. 3, Nasdaq altered its original notice of a proposed rule change to re-designate it as effective upon filing pursuant to Section 19(b)(3)(A)(ii) of the Act (15 U.S.C. 78s(b)(3)(A)(ii)). See *n. 22 infra*.

<sup>6</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

<sup>7</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>8</sup> 17 CFR 240.19b-4(f)(6).

<sup>9</sup> 17 CFR 200.30-3(a)(12).

# I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Nasdaq proposes to eliminate certain fees associated with the use of the Automated Confirmation Transaction Service ("ACT").<sup>7</sup> The new fee schedule will be implemented beginning on July 1, 2003. The text of the proposed rule change is below. Proposed new

language is in *italics*; proposed deletions are in [brackets].<sup>8</sup>  
\* \* \* \* \*

## 7000. CHARGES FOR SERVICES AND EQUIPMENT

### 7010. System Services

(a)—(f) No change.

(g) Automated Confirmation Transaction Service.

The following charges shall be paid by the participant for use of the Automated Confirmation Transaction Service (ACT):

Transaction Related Charges:

Reporting of transactions executed through SuperMontage (or any other transaction execution system that makes use of SuperMontage's functionality to report transactions) ("SuperMontage Transactions")

Average daily volume of transaction reports for SuperMontage Transactions during the month to which a participant is a party:.	Fee per side for transaction reports of SuperMontage Transactions to which such participant is a party:
0 to 9,999 .....	\$0.029
10,000 or more .....	\$0.00
<i>Other reports</i> [Reporting of all other] <i>for</i> transactions in Nasdaq National Market and SmallCap Market securities not subject to comparison through ACT ["Covered Transactions"]].	<i>\$0.00</i>
[Average daily volume of media transaction reports for Covered Transactions during the month in which a participant is the reporting party:].	[Fee per side for reports of Covered Transactions to which such participant is a party:]
[0 to 10,000] .....	[\$0.029]
[10,001 to 50,000] .....	[\$0.029 for a number of reports equal to 10,000 times the number of trading days in the month]
	[\$0.015 for all remaining reports]
[More than 50,000] .....	[\$0.029 for a number of reports equal to 10,000 times the number of trading days in the month]
	[\$0.015 for a number of reports equal to 40,000 times the number of trading days in the month]
	[\$0.00 for all remaining reports]
Reporting of all other transactions not subject to comparison through ACT.	\$0.029/side
Comparison .....	\$0.0144/side per 100 shares (minimum 400 shares; maximum 7,500 shares)
Late Report—T+N .....	\$0.288/side
Browse/query .....	\$0.288/query[*] ( <i>Each ACT query incurs the \$0.288 fee; however, the first accept or decline processed for a transaction is free, to insure that no more than \$0.288 is charged per comparison. Subsequent queries for more data on the same security will also be processed free. Any subsequent query on a different security will incur the \$0.288 query charge.</i> )
Terminal fee .....	\$57.00/month (ACT only terminals)
CTCI fee .....	\$575.00/month
WebLink ACT .....	\$300/month (full functionality) or \$150/month (up to an average of twenty transactions per day each month)[**] ( <i>For the purposes of this service only, a transaction is defined as an original trade entry, either on trade date or as of transactions per month.</i> )
Risk Management Charges .....	\$0.035/side and \$17.25/month per correspondent firm (maximum \$10,000/month per correspondent firm)
Corrective Transaction Charge .....	\$0.25/Cancel, Error, Inhibit, Kill, or 'No' position of No/Was transaction, paid by reporting side;
	\$0.25/Break, Decline transaction, paid by each party
ACT Workstation .....	\$525/logon/month[***] ( <i>A firm that uses ACT risk management through one or more NWII terminals when the ACT Workstation is introduced will be eligible to evaluate the ACT Workstation for a free, three-month trial period, provided that the firm continues to pay charge associated with its NWII terminal(s) during that period.</i> )

[\* Each ACT query incurs the \$0.288 fee; however, the first accept or decline processed for a transaction is free, to insure that no more than \$0.288 is charged per comparison. Subsequent queries for more data on the same security will also be processed free. Any subsequent query on a different security will incur the \$0.288 query charge.]

[\*\* For the purposes of this service only, a transaction is defined as an original trade entry, either on trade date or as-of transactions per month.]

[\*\*\* A firm that uses ACT risk management through one or more NWII terminals when the ACT Workstation is introduced will be eligible to evaluate the ACT Workstation for a free, three-month trial period, provided that the firm continues to pay charges associated with its NWII terminal(s) during that period.]

<sup>7</sup> This filing applies to usage of ACT by NASD members. The usage of ACT by non-members is governed by NASD Rule 6120.

<sup>8</sup> The text is marked to show changes from the language of the rule as amended by Securities Exchange Act Release No. 47919 (May 23, 2003), 68

FR 32788 (June 2, 2003) (SR-NASD-2003-86), which was effective immediately upon filing.

(h)–(s) No change.

\* \* \* \* \*

## II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Nasdaq included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. Nasdaq has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

### A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

#### 1. Purpose

ACT is an automated trade reporting and reconciliation service that speeds the post-execution steps of price and volume reporting, comparison, and clearing of trades completed in Nasdaq, OTC Bulletin Board, and other over-the-counter securities. ACT handles transactions executed through Nasdaq's automated trading systems, as well as transactions negotiated over the telephone and internalized transactions. It also manages post-execution procedures for transactions in exchange-listed securities that are traded in the Nasdaq InterMarket.

Nasdaq recently filed proposed rule changes to reduce ACT fees for (i) reports for transactions in Nasdaq National Market and SmallCap Market securities submitted to ACT by a market participant directly or through Nasdaq's Primex system,<sup>9</sup> and (ii) reports of transactions that are executed through SuperMontage (or any other transaction execution system that uses SuperMontage's functionality to report transactions).<sup>10</sup> According to Nasdaq, however, based on input received from members, Nasdaq has concluded that these price reductions may not be sufficient to allow Nasdaq to compete effectively for the orders of certain members.

Nasdaq states that it faces competition from market centers that are willing to offer market participants free trade

reporting services,<sup>11</sup> and that effectively share market data revenue associated with transactions in Nasdaq-listed securities by "mutualizing" revenues with certain members,<sup>12</sup> notwithstanding the Commission's Order of Summary Abrogation (the "Order") regarding market data revenue sharing programs.<sup>13</sup> Nasdaq asserts that by mutualizing revenues, a competitor with a comparatively small number of market participants can seek to attract the trade reporting activity of large firms, because a substantial percentage of the revenues associated with a new participant's trade reports will end up being shared with that participant. Nasdaq believes that, by contrast, a similar program instituted by Nasdaq would be competitively ineffective and administratively impractical, because Nasdaq's revenues must support a broader range of market and regulatory programs and because revenues would have to be shared across a broader base of market participants. Nasdaq believes that the resulting competitive environment is fundamentally unfair, because Nasdaq can neither share information revenues directly nor engage in mutualization of revenues. Nasdaq states that it can cut its fees to zero, but certain of its competitors can pay for trade reports. Moreover, Nasdaq believes that market centers that seek to use mutualization as a means of enticing trade reports also benefit from regulatory programs and systems funded predominantly by Nasdaq, and therefore profit from an inequitable apportionment of regulatory costs.<sup>14</sup>

Accordingly, Nasdaq has sought to compete through wide-ranging price reductions across multiple services.<sup>15</sup>

<sup>11</sup> See, e.g., Securities Exchange Act Release No. 47331 (February 10, 2003), 68 FR 7635 (February 14, 2003) (SR-NASD-2003-09) (eliminating trade reporting fees associated with the NASD's Alternative Display Facility).

<sup>12</sup> See Securities Exchange Act Release No. 46688 (October 18, 2002), 67 FR 65816 (October 28, 2002) (SR-CSE-2002-14) (describing the Cincinnati Stock Exchange's general revenue sharing program).

<sup>13</sup> See Securities Exchange Act Release No. 46159 (July 2, 2002), 67 FR 45775 (July 10, 2002).

<sup>14</sup> See Securities Exchange Act Release No. 47849 (May 14, 2003), 68 FR 27722 (May 20, 2003).

<sup>15</sup> See SR-NASD-2003-86 (May 22, 2003) and Securities Exchange Act Release No. 47621 (April 2, 2003), 68 FR 17418 (April 9, 2003) (SR-NASD-2003-56) (reporting of SuperMontage trades); Securities Exchange Act Release No. 47661 (April 10, 2003), 68 FR 19045 (April 17, 2003) (SR-NASD-2003-51) (other trade reports for Nasdaq National Market and SmallCap Market securities); Securities Exchange Act Release No. 47648 (April 8, 2003), 68 FR 17972 (April 14, 2003) (SR-NASD-2003-53) and Securities Exchange Act Release No. 47612 (April 1, 2003), 68 FR 17137 (April 8, 2003) (SR-NASD-2003-54) (Nasdaq Testing Facility); Securities Exchange Act Release No. 47637 (April 7, 2003), 68 FR 17849 (April 11, 2003) (SR-NASD-2003-47) and Securities Exchange Act Release No. 47679 (April

Nasdaq states that its goal in designing the ACT price reductions, however, was to ensure that a member's ACT activity continued to have actual costs associated with it. Accordingly, for non-SuperMontage reports, Nasdaq adopted a graduated fee schedule, in which the price paid for "marginal" trade reports decreased from \$0.029 to zero as trade reporting volume increased, but in which each participant would still be assessed a charge for a substantial number of its trade reports each month. Nasdaq asserts that it has also made SuperMontage reports free in some cases, but only if a member's volume of SuperMontage transaction reports is sufficiently high to allow Nasdaq to conclude that the loss of ACT revenue for SuperMontage reports would be at least partially offset by transaction execution revenue, market data revenue, and fees for value-added ACT services, such as trade comparison and browse/query.

As noted above, however, Nasdaq has now concluded that these price reductions may not be adequate to allow Nasdaq to compete effectively. Accordingly, Nasdaq is proposing to completely eliminate the ACT charge for non-SuperMontage reports of transactions in Nasdaq National Market and SmallCap Market securities that are not subject to comparison through ACT. Thus, the current graduated fee schedule—which applies to all reports in Nasdaq National Market and SmallCap Market securities submitted to ACT by a market participant directly or through Nasdaq's Primex system, including reports submitted pursuant to "automated give-up" ("AGU") and Qualified Service Representative ("QSR") arrangements,<sup>16</sup> as well as internalized trades and Primex trades—would be eliminated.<sup>17</sup>

#### 2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with the

15, 2003), 68 FR 19593 (April 21, 2003) (SR-NASD-2003-48 (March 28, 2003) (NWII logons); Securities Exchange Act Release No. 47608 (April 1, 2003), 68 FR 17134 (April 8, 2003) (SR-NASD-2003-43) and Securities Exchange Act Release No. 47607 (April 1, 2003), 68 FR 17136 (April 8, 2003) (SR-NASD-2003-46) (computer-to-computer interface pricing); and Securities Exchange Act Release No. 47300 (January 31, 2003), 68 FR 6234 (February 6, 2003) (SR-NASD-2003-10) (quotation update fees).

<sup>16</sup> AGU and QSR arrangements allow a participant to report trades executed with other brokers with whom they have entered into a contractual arrangement.

<sup>17</sup> In this filing, Nasdaq is also proposing to move the text of the footnotes to NASD Rule 7010(g) into the text of the rule, to improve the rule's presentation in the NASD Manual, and is also making minor modifications to the existing rule text to enhance its clarity.

<sup>9</sup> See Securities Exchange Act Release No. 47661 (April 10, 2003), 68 FR 19045 (April 17, 2003) (SR-NASD-2003-51).

<sup>10</sup> SR-NASD-2003-86 (May 22, 2003); see Securities Exchange Act Release No. 47621 (April 2, 2003), 68 FR 17418 (April 9, 2003) (SR-NASD-2003-56).

provisions of Section 15A of the Act,<sup>18</sup> in general, and Section 15A(b)(5) of the Act,<sup>19</sup> in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which the NASD operates or controls. The proposed rule change will result in a significant reduction in the fees paid by all ACT participants.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

Nasdaq does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

#### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others*

Written comments were neither solicited nor received.

### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The proposed rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act<sup>20</sup> and subparagraph (f)(2) of Rule 19b-4 thereunder,<sup>21</sup> because it establishes or changes a due, fee, or other charge imposed by Nasdaq. At any time within 60 days after the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. For purposes of calculating the 60-day abrogation period, the Commission considers the proposed rule change to have been filed on June 19, 2003, when Amendment No. 3 was filed.<sup>22</sup>

### **IV. Solicitation of Comments**

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change, as amended, is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-0609. Copies of the submission, all subsequent amendments, all written

statements with respect to the proposed rule change, as amended, that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to the File No. SR-NASD-2003-71 and should be submitted by August 4, 2003.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>23</sup>

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 03-17709 Filed 7-11-03; 8:45 am]

**BILLING CODE 8010-01-P**

### **SECURITIES AND EXCHANGE COMMISSION**

**[Release No. 34-48131; File No. SR-NSCC-2003-08]**

#### **Self-Regulatory Organizations; National Securities Clearing Corporation; Order Granting Approval of a Proposed Rule Change Relating to Rule 4, Section 12, Clearing Fund and Pledges of Deposits**

July 3, 2003.

#### **I. Introduction**

On May 6, 2003, National Securities Clearing Corporation ("NSCC") filed with the Securities and Exchange Commission ("Commission") proposed rule change SR-NSCC-2003-08 pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act").<sup>1</sup> Notice of the proposal was published in the **Federal Register** on May 21, 2003.<sup>2</sup> No comment letters were received. For the reasons discussed below, the Commission is granting approval of the proposed rule change.

#### **II. Description**

Each NSCC member pays or receives the net debit or net credit balance in its NSCC money settlement account at the end of each day. NSCC's principal risk is the possible failure of one or more members to settle their net debit obligations. To assure that it is able to complete its settlement obligations each

day, NSCC maintains liquidity resources, including a committed line of credit (maximum amount of \$1.9 billion) with a consortium of banks. This committed line of credit is part of a combined syndicated facility with The Depository Trust Company ("DTC").

The line of credit matures annually. As part of the negotiations to extend the facility for the year beginning May 27, 2003, the lenders requested that Section 12 of NSCC's Rule 4, "Clearing Fund," be clarified.<sup>3</sup> Section 12 currently provides that for the purpose of securing loans to NSCC, NSCC may pledge and repledge and grant its lenders a security interest in (i) cash deposits in the clearing fund, (ii) all securities, repurchase agreements, or deposits in which such cash is invested, and (iii) qualified bonds pledged by a member or letters of credit issued on a member's behalf for NSCC's benefit to secure the member's open account indebtedness to NSCC. That section also provides that any such loan to NSCC may be on such terms as NSCC, in its discretion, may deem necessary or advisable and may be in amounts greater and extend for time periods longer than the obligations of any member in NSCC. Subject to the terms and conditions of such loan, NSCC remains obligated to its members to return any items of pledged collateral or permit substitutions and withdrawals thereof as provided in its rules.

It was always the intent and understanding of NSCC and its members that by virtue of Rule 4, Section 12, members had authorized NSCC to pledge to its lenders a member's actual deposits.<sup>4</sup> In order to accommodate NSCC's lenders, NSCC is modifying the language of Rule 4, Section 12, to make clear NSCC's right to pledge its members' actual deposits to one or more lenders for the purposes enumerated in the rule. In addition, NSCC is also adding language to the rule to make clear what is implicit in the current rule that while there remain any outstanding obligations under any such loan, no member may assert a claim against the lender for the return of any collateral pledged by NSCC as security therefore.<sup>5</sup>

<sup>3</sup> The lenders made a similar request of DTC which also resulted in the filing of a proposed rule change by DTC. Securities Exchange Act Release No. 47875 (May 15, 2003), 68 FR 27877 (May 21, 2003) [File No. DTC-2003-08].

<sup>4</sup> Securities Exchange Act Release No. 28784 (January 16, 1991), 56 FR 2575 (January 23, 1991) [File No. SR-NSCC-90-22].

<sup>5</sup> The new language states, "No Member, Insurance Carrier Member or Fund Member shall have any right, claim or action against any secured Lender (or any collateral agent of such secured Lender) for the return, or otherwise in respect, of any such collateral Pledged by the Corporation to

Continued

<sup>18</sup> 15 U.S.C. 78o-3.

<sup>19</sup> 15 U.S.C. 78o-3(5).

<sup>20</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

<sup>21</sup> 17 CFR 240.19b-4(f)(2).

<sup>22</sup> See n. 5, *supra*.

<sup>23</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> Securities Exchange Act Release No. 47874 (May 15, 2003), 68 FR 27881.



to the foregoing and the terms of any such loan, the obligation of NSCC to return any items of pledged collateral to its members or to permit substitutions and withdrawals thereof remains unaffected.

### III. Discussion

Section 17A(b)(3)(F) of the Act requires, among other things, that the rules of a clearing agency be designed to assure the safeguarding of securities and funds which are in its custody or control or for which it is responsible.<sup>6</sup> By adding language, as requested by its lenders, to its rules to make clear the rights of NSCC, lenders, and members with respect to pledged deposits, the proposed rule change will help NSCC maintain adequate liquidity resources and therefore should help assure NSCC's ability to safeguard securities and funds.

### IV. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the requirements of the Act and in particular Section 17A of the Act and the rules and regulations thereunder.

*It is therefore ordered*, pursuant to section 19(b)(2) of the Act, that the proposed rule change (File No. SR-NSCC-2003-08) be and hereby is approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.<sup>7</sup>

**Margaret H. McFarland,**  
*Deputy Secretary.*

[FR Doc. 03-17711 Filed 7-11-03; 8:45 am]

BILLING CODE 8010-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-48133; File No. SR-NYSE-98-14]

### Self-Regulatory Organizations; Notice of Filing of Amendment Nos. 1, 2, and 3 to a Proposed Rule Change by the New York Stock Exchange, Inc. Relating to Margin Requirements

July 7, 2003.

On April 28, 1998, the New York Stock Exchange, Inc. ("NYSE" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission"), pursuant to section

19(b)(1) of the Securities Exchange Act of 1934 ("Exchange Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> a proposal to amend NYSE Rule 431, "Margin Requirements." The proposed rule change was published for comment in the **Federal Register** on August 5, 1998.<sup>3</sup> The Commission received one comment regarding the proposal.<sup>4</sup> The NYSE filed Amendment Nos. 1, 2, and 3 to the proposal on January 5, 1999, November 6, 2002, and May 12, 2003, respectively. In addition, on March 6, 2000, the NYSE filed an Information Memo ("NYSE Information Memo") that sets forth the general requirements for the written risk analysis methodology that members would be required to maintain in connection with good faith securities transactions in exempt accounts (which are discussed more fully below). The Commission is publishing this notice of Amendment Nos. 1 and 2 and the NYSE Information Memo to solicit comments on the proposed rule change, as amended, from interested persons.

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Consolidated changes made to the proposed rule text as a result of Amendment Nos. 1, 2, and 3 appear below. The base text is taken from the proposal that the Commission published for comment in 1998. Additional language proposed by the NYSE in Amendment Nos. 1, 2, and 3 is italicized; language deleted by Amendment Nos. 1, 2, and 3 is in brackets.

### Rule 431

#### Margin Requirements

Rule 431(a)(1) through (a)(2) unchanged.

(a)(3) The term "designated account" means the account of (i) a bank (as defined in section 3(a)(6) of the Securities Exchange Act of 1934), (ii) a savings association (as defined in section 3(b) of the Federal Deposit Insurance Act), the deposits of which are insured by the Federal Deposit Insurance Corporation, (iii) an insurance company (as defined in section 2(a)(17) of the Investment Company Act of 1940, (iv) an investment company registered with the Securities and Exchange

Commission under the Investment Company Act of 1940, (v) a state or a political subdivision thereof, or (vi) a pension or profit sharing plan subject to ERISA or of an agency of the United States or of a state or a political subdivision thereof.

(a)(4) through (a)(8) unchanged.

(a)(9) The term "highly rated foreign sovereign debt securities" means any debt securities (including major foreign debt securities) issued or guaranteed by the government of a foreign country, its provinces, states or cities, or a supranational entity, if at the time of the extension of credit the issue, the issuer or guarantor, or any other outstanding obligation of the issuer or guarantor ranked junior to or on a parity with the issue or the guarantee is assigned a rating (implicitly or explicitly) in one of the top two rating categories by at least one nationally recognized statistical rating organization.

(a)(10) The term "investment grade debt securities" means any debt securities (including those issued by the government of a foreign country, its provinces, states or cities, or a supranational entity), if at the time of the extension of credit the issue, the issuer or guarantor, or any other outstanding obligation of the issuer or guarantor ranked junior to or on a parity with the issue or the guarantee is assigned a rating (implicitly or explicitly) in one of the top four rating categories by at least one nationally recognized statistical rating organization.

(a)(11) The term "major foreign sovereign debt securities" means any debt securities issued or guaranteed by the government of a foreign country or a supranational entity, if at the time of the extension of credit the issue, the issuer or guarantor, or any other outstanding obligation of the issuer or guarantor ranked junior to or on a parity with the issue or the guarantee is assigned a rating (implicitly or explicitly) in the top rating category by at least one nationally recognized statistical rating organization.

(a)(12) The term "mortgage related securities" means securities falling within the definition in section 3(a)(41) of the Securities Exchange Act of 1934.

(a)(13) The term "exempt account" means

(A) A member organization, non-member broker-dealer *registered as a broker or dealer pursuant to the Securities Exchange Act of 1934*, a "designated account" or

(B) Any person that  
(i) Has net worth of at least forty-five million dollars and financial assets of at

such secured Lender (or its collateral agent), so long as any loans made by such Lender to the Corporation or other obligations, secured by such collateral, are unpaid and outstanding."

<sup>6</sup> 15 U.S.C. 78q-1(b)(3)(F).

<sup>7</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> See Securities Exchange Act Release No. 40278 (July 29, 1998), 63 FR 41882 ("1998 Notice").

<sup>4</sup> See letter from Paul Saltzman, Senior Vice President and General Counsel, The Bond Market Association ("TBMA") and Patricia Brigantic, Vice President and Senior Associate General Counsel, TBMA, to Jonathan Katz, Secretary, Commission, dated August 26, 1998 ("TBMA Letter").



least forty million dollars for purposes of paragraphs (e)(2)(F) and (e)(2)(G), and (ii) either:

(1) Has securities registered pursuant to section 12 of the Securities Exchange Act of 1934, has been subject to the reporting requirements of section 13 of the Exchange Act for a period of at least 90 days and has filed all the reports required to be filed thereunder during the preceding 12 months (or such shorter period as it was required to file such reports), or

(2) Has securities registered pursuant to the Securities Act of 1933, has been subject to the reporting requirements of section 15(d) of the Securities Exchange Act of 1934 for a period of at least 90 days and has filed all the reports required to be filed thereunder during the preceding 12 months (or such shorter period as it was required to file such reports), or

(3) If such person is not subject to section 13 or 15(d) of the Securities Exchange Act of 1934, is person with respect to which there is publicly available the information specified in paragraphs (a)(5)(i) to (xiv), inclusive, of Rule 15c2-11 under that Act, or

(4) Furnishes information to the Securities and Exchange Commission as required by Rule 12g3-2(b) of the Securities Exchange Act of 1934, or

(5) Makes available to the member organization such current information regarding such person's ownership, business operations and financial condition (including such person's current audited statement of financial condition, statement of income and statement of changes in stockholder's equity or comparable financial reports) as reasonably believed by the member organization to be accurate, sufficient for the purposes of performing a risk analysis in respect of such person.

(a)(14) The term "non-equity securities" means any securities other than equity securities as defined in section 3(a)(11) of the Securities Exchange Act of 1934.

(a)(15) The term "listed non-equity securities" means any non-equity securities that:

(i) are listed on a national securities exchange; or (ii) have unlisted trading privileges on a national securities exchange.

(a)(16) The term "other marginable non-equity securities" means:

(1) Any debt securities not traded on a national securities exchange meeting all of the following requirements:

(i) At the time of the original issue, a principal amount of not less than \$25,000,000 of the issue was outstanding;

(ii) The issue was registered under section 5 of the Securities Act of 1933 and the issuer either files periodic reports pursuant to section 13(a) or 15(d) of the Securities Exchange Act of 1934 or is an insurance company which meets all of the conditions specified in section 12(g)(2)(G) of the Securities Exchange Act of 1934; and

(iii) At the time of the extension of credit, the creditor has a reasonable basis for believing that the issuer is not in default on interest or principal payments; or

(2) Any private pass-through securities (not guaranteed by an agency of the U.S. government) meeting all of the following requirements:

(i) An aggregate principal amount of not less than \$25,000,000 (which may be issued in series) was issued pursuant to a registration statement filed with the Securities and Exchange Commission under Section 5 of the Securities Act of 1933.

(ii) Current reports relating to the issue have been filed with the Securities and Exchange Commission; and

(iii) At the time of the credit extension, the creditor has a reasonable basis for believing that mortgage interest, principal payments and other distributions are being passed through as required and that the servicing agent is meeting its material obligations under the terms of the offering.

(b)(1) through (e)(1) unchanged.

(e)(2) Exempted Securities, Non-equity Securities and Baskets

(A) Obligations of the United States and Highly Rated Foreign Sovereign Debt Securities

On net "long" or net "short" positions in obligations (including zero coupon bonds, i.e., bonds with coupons detached or non-interest bearing bonds) issued or guaranteed as to principal or interest by the United States Government or by corporations in which the United States has a direct or indirect interest as shall be designated for exemption by the Secretary of the Treasury, or in obligations that are highly rated foreign sovereign debt securities, the margin to be maintained shall be the percentage of the current market value of such obligations as specified in the applicable category below:

(i) Less than one year to maturity, 1%  
(ii) One year but less than three years to maturity, 2%

(iii) Three years but less than five years to maturity, 3%

(iv) Five years but less than ten years to maturity, 4%

(v) Ten years but less than twenty years to maturity, or 5%

(vi) Twenty years or more to maturity, 6%

Notwithstanding the above, on zero coupon bonds with five years or more to maturity the margin to be maintained shall not be less than 3% of the principal amount of the obligation.

When such obligations other than United States Treasury bills are due to mature in thirty calendar days or less, a member organization, at its discretion, may permit the customer to substitute another such obligation for the maturing obligation and use the margin held on the maturing obligation to reduce the margin required on the new obligation, provided the customer has given the member organization irrevocable instructions to redeem the maturing obligation.

#### (B) All Other Exempted Securities

On any positions in exempted securities other than obligations of the United States, the margin to be maintained shall be 7% of the current market value.

#### (C) Non-Equity Securities

On any positions in non-equity securities the margin to be maintained (except where a lesser requirement is imposed by other provisions of this Rule) shall be:

(i) 10% of the current market value in the case of investment grade debt securities; and

(ii) 20% of the current market value or 7% of the principal amount, whichever amount is greater, in the case of all other listed non-equity securities, and all other marginable non-equity securities as defined in paragraph (a)(16) of this Rule.

431(e)(2)(D) through (E) unchanged.

#### (F) Transactions With Exempt Accounts Involving Certain "Good Faith" Securities

On any position resulting from a transaction involving exempted securities, mortgage related securities, or major foreign sovereign debt securities made for or with an "exempt account", no margin need be required and any marked to the market loss on such position need not be collected. However, the amount of any uncollected marked to the market loss shall be deducted in computing the Net Capital of the member organization under the Exchange's Capital Requirements, subject to the limits in paragraph (e)(2)(H) below.

**(G) Transactions With Exempt Accounts Involving Highly Rated Foreign Sovereign Debt Securities and Investment Grade Debt Securities**

On any position resulting from a transaction made for or with an "exempt account" (other than a position subject to paragraph (e)(2)(F)), the margin to be maintained on highly rated foreign sovereign debt and investment grade debt securities shall be, in lieu of any greater requirements imposed under this Rule, (i) 0.5% of current market value in the case of highly rated foreign sovereign debt securities and (ii) 3% of current market value in the case of all other investment grade debt securities. The member organization need not collect any such margin; provided the amount equal to the margin required shall be deducted in computing the Net Capital of the member organization under the Exchange's Capital Requirements. In computing the margin required, any marked to market losses included as a deduction to Net Capital shall be subject to the provisions in paragraph (e)(2)(H) below.

**(H) Limits on Net Capital Deductions for Exempt Accounts**

*(i) Member organizations shall maintain a written risk analysis methodology for assessing the amount of credit extended to exempt accounts pursuant to paragraphs (e)(2)(F) and (e)(2)(G) which shall be made available to the Exchange upon request.*

*(ii) In the event that the Net Capital deductions taken by a member organization as a result of marked to the market losses incurred under paragraphs (e)(2)(F) and (e)(2)(G) (exclusive of the percentage requirements established thereunder) exceed:*

*[(i)] (1) On any one account or group of commonly controlled accounts, 5% of the member organization's Tentative Net Capital (Net Capital before deductions on securities); or*

*[(ii)] (2) On all accounts combined, 25% of the member organization's Tentative Net Capital (Net Capital before deductions on securities); then, unless such excess no longer exists on the fifth business day after it was incurred, the member organization (1) shall give prompt written notice to the Exchange and (2) shall not enter into any new transaction(s) subject to the provisions of paragraphs (e)(2)(F) or (e)(2)(G) that would result in an increase in the amount of such excess under, as applicable, subparagraph (i) or (ii) above.*

**II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, the NYSE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The NYSE has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

**A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

**(1) Purpose**

**Background**

NYSE Rule 431 prescribes minimum margin requirements for customer accounts held by member organizations. In April 1996, the NYSE established a Rule 431 Committee (the "Committee") to assess the adequacy of NYSE Rule 431 on an ongoing basis, review margin requirements, and make recommendations for change. A number of proposed amendments resulting from the Committee's recommendations have been approved by the NYSE's Board of Directors since the Committee was established.

Rule 15c3-1 under the Exchange Act (the "Net Capital Rule")<sup>5</sup> provides, in part, that at all times every broker or dealer shall maintain net capital of no less than the minimum required by the Net Capital Rule. Further, it requires brokers or dealers to take certain prescribed haircuts from proprietary positions to reflect actual economic and market risk inherent in maintaining such positions. These haircuts are generally lower than the margin required for comparable securities. Accordingly, the Committee recommended that margin requirements for transactions in certain non-equity securities in the most creditworthy accounts be amended to reflect the actual economic risk inherent in those securities. The proposed amendments discussed below have been recommended by the Committee.

In December 1997, the Board of Governors of the Federal Reserve System amended Regulation T,<sup>6</sup> which establishes initial margin requirements, to provide that transactions in non-equity securities are subject to "good faith" requirements when transacted in

a "good faith" account, in lieu of a margin or cash account. The term "good faith" within this context means generally that such transactions are subject to the requirements of the self-regulatory organization with regulatory authority over the transactions and such requirements shall be applicable for initial and maintenance purposes. Accordingly, the maintenance margin requirements of NYSE Rule 431 provide ongoing safety and soundness levels for such positions maintained in customer accounts.

**Initial Filing**

As noted above, in April 1998 the NYSE filed with the Commission proposed amendments to NYSE Rule 431 which, among other things, would revise the margin requirements for investment grade non-equity securities and expand the types of such securities eligible for exempt account treatment. The proposed amendments recognized that in certain instances, margin requirements should be adjusted to reflect both the quality of the securities as well as the creditworthiness of the customer.

The proposed amendments to NYSE Rule 431 would provide for margin requirements on non-equity securities that the Exchange believes are commensurate with the risks associated with positions in such securities held by customers. For example, margin percentages for investment grade debt securities and municipal securities would as proposed be calculated by taking the highest haircut percentages under the Net Capital Rule for proprietary positions in similar securities, instead of the current 20% and 15% respective margin requirements. For other listed non-convertible debt securities, the margin requirement would remain at 20%.

Proposed amendments to NYSE Rule 431(a)(3) also would narrow the definition of "designated account" to include specifically designated institutions such as banks, other broker-dealers, savings associations, insurance companies, investment companies, states or political subdivisions thereof, and ERISA pension and profit sharing plans.

Further, proposed NYSE Rule 431(a)(13) would create a new definition of "exempt account," to include the designated accounts noted above and the following: a member organization, non-member broker-dealer and any person having net worth of at least \$40 million. The proposed amendments increased the financial threshold for a customer to be considered an exempt account from \$16 to \$40 million in net

<sup>5</sup> 17 CFR 240.15c3-1.

<sup>6</sup> 12 CFR 220 *et seq.*

worth. In addition, the proposed amendments would provide lower margin requirements for exempt account transactions in investment grade foreign sovereign debt and other investment grade non-equity securities. For transactions in these types of securities, member organizations would be required to take either a net capital charge equal to marked to market losses or collect margin equal to the percentage requirements under the Rule. In this instance, the NYSE believes that the enhanced creditworthiness of both the customer and the security transacted would justify the imposition of lower margin requirements.

#### Amendment No. 1

In January 1999, the NYSE filed Amendment No. 1 to the Initial Filing. Amendment No. 1 sought to clarify and amend the following with regard to the original filing: (1) Amend NYSE Rule 431(a)(13) to clarify that non-member brokers or dealers that are considered exempt accounts must be registered with the Commission; (2) amend NYSE Rule 431(a)(13) to require that for a person to be considered an exempt account, at least \$45 million of net worth and at least \$40 million of financial assets are required; and (3) amend NYSE Rule 431(e)(2)(H)(i) to require member organizations to maintain written risk analysis procedures for assessing the amount of credit extended to exempt accounts. The NYSE believes that increasing the net worth requirement from \$40 to \$45 million, and including indicia of a person's liquidity (\$40 in financial assets) in that total, provides a better indicator of a person's creditworthiness when extending credit for transactions in non-equity securities in exempt accounts.

In addition, the NYSE states that Amendment No. 1 would require that, as a good business practice and for safety and soundness considerations, member organizations maintain written procedures for assessing credit extended to exempt accounts. Although the requirement for member organizations can be found in interpretations to NYSE Rule 401, "Business Conduct," it is proposed to be codified in NYSE Rule 431.

#### Information Memo

As noted above, the NYSE has submitted to the Commission a draft Information Memo that it would circulate to its members upon approval of the proposed rule change. The Information Memo would provide guidelines for members to satisfy the requirement to maintain written risk

analysis procedures under proposed NYSE Rule 431(e)(2)(H)(i). Specifically, the Information Memo would provide that a member's written risk methodology for assessing credit extended to exempt accounts should include the following:

- Procedures for obtaining and reviewing the appropriate customer account documentation and the customer financial information necessary to determine exempt account status for the extension of credit under the rule.
- Procedures and guidelines for the determination, review and approval of credit limits to customers and across all customers who qualify as exempt accounts under the rule.
- Procedures and guidelines for monitoring credit risk exposure to the organization relating to exempt account customers.
- Procedures and guidelines for the use of stress testing of exempt accounts in order to monitor market risk exposure from exempt accounts individually and in the aggregate.
- Procedures providing for the regular review and testing of these risk management procedures by an independent unit such as internal audit, risk management, or other comparable group.

#### Amendment Nos. 2 and 3

In Amendment Nos. 2 and 3, the NYSE proposes to require that persons qualifying for exempt account status satisfy requirements in addition to the net worth and financial assets standards described above. In this regard, the NYSE proposes to require that persons qualifying for exempt account status meet specific registration and reporting requirements under the federal securities laws, specifically the Securities Act of 1933<sup>7</sup> ("Securities Act") and the Exchange Act, or make available to the member or member organization certain current information regarding the person's ownership, business, operations, and financial condition.

Specifically, in addition to meeting the \$45/\$40 million thresholds, persons qualifying for "exempt account" status also would have to satisfy one of the following requirements: (1) The person must have securities registered pursuant to section 12 of the Exchange Act<sup>8</sup> and must have been subject to the reporting requirements of section 13 of the Exchange Act;<sup>9</sup> (2) the person must have securities registered pursuant to

the Securities Act and must have been subject to the reporting requirements of section 15(d) of the Exchange Act;<sup>10</sup> (3) if the person is not subject to section 13 or 15(d) of the Exchange Act, that person must make information available that is required pursuant to Rule 15c2-11 under the Exchange Act;<sup>11</sup> or (4) the person must make available to the member organization such current information regarding the person's ownership, business, operations, and financial condition, including such person's audited statement of financial condition, statement of income, and statement of changes in stockholder's equity or comparable financial reports. In addition, a person that meets the financial threshold also could qualify for exempt account status if the person is eligible for an exemption from the Exchange Act reporting requirements because the person furnishes the Commission with information as required under Exchange Act Rule 12g3-2(b).<sup>12</sup>

Sections 13 and 15(d) of the Exchange Act require publicly held companies to furnish to the public on a continuous and ongoing basis certain information regarding their operations and financial condition. Companies subject to this obligation, among others, include: (1) Companies that have registered a class of securities under section 12(b) of the Exchange Act<sup>13</sup> for listing and trading on a national securities exchange; and (2) an issuer that has filed a registration statement pursuant to the Securities Act that has been declared effective.

Pursuant to Commission rules promulgated under Sections 13 and 15(d) of the Exchange Act, companies are required to make the disclosures noted above on a quarterly (Form 10-Q),<sup>14</sup> annual (Form 10-K),<sup>15</sup> and interim basis (Form 8-K).<sup>16</sup> Requiring persons qualifying for "exempt account" status to meet the disclosure requirements mandated by these sections and rules of the Exchange Act should provide adequate and sufficient information for a member organization to perform a risk analysis of such persons.

Further, Rule 15c2-11 under the Exchange Act precludes a broker-dealer from entering bid or asked quotations in

<sup>10</sup> 15 U.S.C. 78o(d).

<sup>11</sup> 17 CFR 240.15c2-11.

<sup>12</sup> 17 CFR 240.12g3-2(b). Amendment No. 3 revises proposed NYSE Rule 431(a)(13)(B)(ii)(4) to clarify that a person seeking exempt account status under that provision must furnish to the Commission the information required by Rule 12g3-2(b) under the Exchange Act.

<sup>13</sup> 15 U.S.C. 78l(b).

<sup>14</sup> 17 CFR 249.308b.

<sup>15</sup> 17 CFR 249.310b.

<sup>16</sup> 17 CFR 249.308.

<sup>7</sup> 15 U.S.C. 77a.

<sup>8</sup> 15 U.S.C. 78l.

<sup>9</sup> 15 U.S.C. 78m(a).

a security, *i.e.*, market making, unless it has specified current information in its possession, such as a copy of a prospectus included in a registration statement filed under the Exchange Act, or a copy of an issuer's most recent annual report filed pursuant to Section 13 or 15(d) of the Exchange Act.

If a person seeking exempt account status is not subject to reporting requirements under the Act, the proposal would require that person to furnish to the member organization information similar to that mandated by these regulations. The financial requirements already proposed coupled with the new reporting requirements the Exchange seeks to impose are consistent with the purpose of NYSE Rule 431, which is to provide for extension of credit to financially sound customers and to minimize systemic risk to member organizations of the Exchange in that regard.

Further, the NYSE is proposing non-substantive amendments to NYSE Rule 431(e)(2)(H)(ii) to correct the paragraph notations.

#### *Comment Received*

As noted above, the Commission received one comment letter regarding the proposal, from TBMA. The commenter generally supported the proposed rule change but sought clarification concerning: (1) Whether the proposal's definition of "exempt account" supersedes the definition of "exempt account" currently contained in NYSE Rule 431(f)(2)(D)(iv), which defines "exempt accounts" for purposes of margin requirements for options on U.S. government securities; and (2) whether extensions of credit to accounts that met the \$16 million threshold for "designated" or "exempt" account status under the NYSE's existing rules at the time of the extension of credit would be "grandfathered" when the increased threshold for exempt account status becomes effective.<sup>17</sup>

The NYSE submitted a letter in response to TBMA Letter.<sup>18</sup> The NYSE

stated that: (1) The current proposal's definition of "exempt account" will not supersede the definition of "exempt account" in NYSE Rule 431(f)(2)(D)(iv); and (2) an account that met the \$16 million financial threshold for designated or exempt account status at the time of the initial extension of credit would retain its status with regard to existing credit transactions, although the proposal's increased financial threshold would apply to new credit transactions or roll-overs of existing credit extensions.

#### (2) Statutory Basis

The NYSE believes that the proposed rule change, as amended, is consistent with the requirements of section 6(b)(5) of the Exchange Act, which requires, among other things, that the rules of the Exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and in general to protect investors and the public interest. Further, the NYSE believes that the proposed rule change is also consistent with the rules and regulations of the Board of Governors of the Federal Reserve System for the purpose of preventing the excessive use of credit for the purchase or carrying of securities, pursuant to section 7(a) of the Act.<sup>19</sup>

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Exchange Act.

#### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

The Exchange has neither solicited nor received written comments on the proposed rule change.

#### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to

90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will by order approve such proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved.

#### **IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether Amendment Nos. 1 and 2 and the Information Memo are consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NYSE. All submissions should refer to file number SR-NYSE-98-14 and should be submitted by August 4, 2003.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>20</sup>

**Margaret H. McFarland,**  
*Deputy Secretary.*

[FR Doc. 03-17667 Filed 7-11-03; 8:45 am]

**BILLING CODE 8010-01-P**

#### **DEPARTMENT OF STATE**

**[Public Notice 4400]**

#### **Determination Related to Colombian Armed Forces Under Section 564(a)(1) of Foreign Operations, Export Financing, and Related Programs Appropriations Act, Division E, Consolidated Appropriations Resolution, 2003 (Pub. L. 108-7)**

Pursuant to the authority vested in me as Secretary of State, including under section 564 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, Division E, Consolidated Appropriations

<sup>17</sup> Currently, NYSE Rule 431(e)(2)(C) provides a margin requirement of 5% of current market value for mortgage-related securities held in an "exempt account." For purposes of current NYSE Rule 431(e)(2)(C), an "exempt account" is defined as a member, non-member broker-dealer, "designated account," or any person having net tangible assets of at least \$16 million. In addition, NYSE Rule 431(e)(2)(F) permits a broker-dealer to collect no margin or marked to the market losses for transaction in exempted securities made with or for designated accounts. For purposes of current NYSE Rule 431(e)(2)(F), a "designated account" includes persons with net tangible assets of \$16 million or more. See NYSE Handbook, Rule 431(e)(2)(F)/01.

<sup>18</sup> See James E. Buck, Senior Vice President and Secretary, NYSE, to Michael Walinkas, Deputy Associate Director, Division of Market Regulation, Commission, dated April 5, 1999.

<sup>19</sup> 15 U.S.C. 78g(a).

<sup>20</sup> 17 CFR 200.30-3(a)(12).

Resolution, 2003 (Pub. L. 108-7) (the "FOAA"), I hereby determine and certify that: (A) The Commander General of the Colombian Armed Forces is suspending from the Armed Forces those members, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary organizations; (B) The Colombian Government is prosecuting those members of the Colombian Armed Forces, of whatever rank, who have been credibly alleged to have committed gross violations of human rights, including extra-judicial killings, or to have aided or abetted paramilitary organizations, and is punishing those members of the Colombian Armed Forces found to have committed such violations of human rights or to have aided or abetted paramilitary organizations; (C) The Colombian Armed Forces are cooperating with civilian prosecutors and judicial authorities in such cases (including providing requested information, such as the identity of the persons suspended from the Armed Forces and the nature and cause of the suspension, and access to witnesses and relevant military documents and other information); (D) The Colombian Armed Forces are severing links (including denying access to military intelligence, vehicles, and other equipment or supplies, and ceasing other forms of active or tacit cooperation), at the command, battalion, and brigade levels, with paramilitary organizations; (E) The Colombian Armed Forces are executing orders for capture of leaders of paramilitary organizations that continue armed conflict.

The Department of State has consulted with internationally recognized human rights organizations regarding the Colombian Armed Forces' progress in meeting the conditions contained in section 564(a)(2).

This Determination shall be published in the **Federal Register** and copies shall be transmitted to the appropriate Committees of Congress.

Dated: July 7, 2003.

**Colin L. Powell,**

*Secretary of State, Department of State.*

[FR Doc. 03-17782 Filed 7-11-03; 8:45 am]

**BILLING CODE 4710-10-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Summary Notice No. PE-2003-40]

#### Petitions for Exemption; Dispositions of Petitions Issued

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of dispositions of prior petitions.

**SUMMARY:** Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains dispositions of certain petitions previously received. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities.

#### FOR FURTHER INFORMATION CONTACT:

Timothy R. Adams (202) 267-8033, Sandy Buchanan-Sumter (202) 267-7271, or Denise Emrick (202) 267-5174, Office of Rulemaking (ARM-1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85 and 11.91.

Issued in Washington, DC, on July 8, 2003.

**Donald P. Byrne,**

*Assistant Chief Counsel for Regulations.*

#### Dispositions of Petitions

*Docket No.:* FAA-2001-9369.

*Petitioner:* Department of Homeland Security.

*Section of 14 CFR Affected:* 14 CFR 91.117(a), (b), and (c), 91.119(c), 91.159(a), and 91.209(a)(1) and (b).

*Description of Relief Sought:* To permit the Department of Homeland Security, Bureau of Immigration and Customs Enforcement to conduct drug interdiction air support.

*Grant, 06/16/2003, Exemption No. 5504D.*

*Docket No.:* FAA-2003-14909.

*Petitioner:* America West Airlines.

*Section of 14 CFR Affected:* 14 CFR 121.356(d).

*Description of Relief Sought/Disposition:* To permit America West Airlines to operate two Airbus Industries A320 Airplanes, after May 1, 2003, that are not equipped with Traffic Alert and Collision Avoidance System II equipment that meets Technical Standard Order C-119b version 7.0.

*Denial, 06/12/2003, Exemption No. 8071.*

*Docket No.:* FAA-2001-9976.

*Petitioner:* United States Ultralight Association.

*Section of 14 CFR Affected:* 14 CFR 103.1(a) and (e).

*Description of Relief Sought/*

*Disposition:* To permit individuals authorized by the United States Ultralight Association to give instruction in two-place powered ultralight vehicles, including tandem powered paragliders and paraglider trikes, that have a maximum empty weight of no more than 496 pounds, have a maximum fuel capacity of not more than 10 U.S. gallons, are not capable of more than 75 knots calibrated airspeed at full power in level flight, and have a power-off stall speed that does not exceed 35 knots calibrated airspeed, subject to specific conditions and limitations.

*Grant, 06/10/2003, Exemption No. 4274K*

*Docket No.:* FAA-2003-14987.

*Petitioner:* Island Air, Inc.

*Section of 14 CFR Affected:* 14 CFR 135.143(c)(2).

*Description of Relief Sought/*

*Disposition:* To permit Island Air, Inc. to operate certain aircraft under part 135 without a TSO-C112 transponder installed in those aircraft.

*Grant, 06/05/2003, Exemption No. 8070.*

*Docket No.:* FAA-2001-9811.

*Petitioner:* Camera Work, Inc. d.b.a. Fly BVI, Ltd.

*Section of 14 CFR Affected:* 14 CFR 61.89(a)(5).

*Description of Relief Sought/*

*Disposition:* To permit Fly BVI, Ltd. student pilots to fly between Tortola, British Virgin Islands, and the airports of the U.S. Virgin Islands and Puerto Rico while fulfilling the cross-country requirements for a private pilot certificate.

*Grant, 06/06/2003, Exemption No. 5796E.*

*Docket No.:* FAA-2001-9195.

*Petitioner:* Helicopter Association International.

*Section of 14 CFR Affected:* 14 CFR 135.213(a).

*Description of Relief Sought/*

*Disposition:* To permit part 135 certificate holders that conduct helicopter emergency medical service (EMS) operations and are members of both the Helicopter Association International and the Association of Air Medical Services to conduct EMS departures under instrument flight rules in weather that is at or above visual flight rules minimums from airports or helicopters at which a weather report is not available from the U.S. National Weather Service (NWS), a source approved by the NWS, or a source approved by the administrator.

*Grant, 06/06/2003, Exemption No. 6175D.*

*Docket No.: FAA-2001-9164.*

*Petitioner: Skinner Aviation, Inc.*

*Section of 14 CFR Affected: 14 CFR 135.143(c)(2).*

*Description of Relief Sought/*

*Disposition: To permit Skinner Aviation, Inc. to operate certain aircraft under part 135 without a TSO-C112 transponder installed on those aircraft.*

*Grant, 05/19/2003, Exemption No. 7635A.*

*Docket No.: FAA-2003-15035.*

*Petitioner: Mentone Flying Club.*

*Section of 14 CFR Affected: 14 CFR 135.251, 135.255, and 135.353, and appendices I and J to part 121.*

*Description of Relief Sought/*

*Disposition: To permit Mentone Flying Club to conduct local sightseeing flights at the Fulton County Airport for sightseeing flights on June 7, 2003, for compensation or hire, without complying with certain anti-drug and alcohol misuse prevention requirements of part 135.*

*Grant, 05/30/2003, Exemption No. 8062.*

*Docket No.: FAA-2003-15038.*

*Petitioner: Crossville Memorial Airport.*

*Section of 14 CFR Affected: 14 CFR 135.251, 135.255, and 135.353, and appendices I and J to part 121.*

*Description of Relief Sought/*

*Disposition: To permit the Crossville Memorial Airport to conduct sightseeing flights on June 14, 2003, for compensation or hire, without complying with certain anti-drug and alcohol misuse prevention requirements of part 135.*

*Grant, 05/30/2003, Exemption No. 8061.*

*Docket No.: FAA-2003-15165.*

*Petitioner: Palmyra Flying Club, Inc.*

*Section of 14 CFR Affected: 14 CFR 135.251, 135.255, and 135.353, and appendices I and J to part 121.*

*Description of Relief Sought/*

*Disposition: To permit Palmyra Flying Club, Inc. conduct local sightseeing flights at the Palmyra Airport on June 15, 2003, for compensation or hire, without complying with certain anti-drug and alcohol misuse prevention requirements of part 135.*

*Grant, 05/30/2003, Exemption No. 8060.*

*Docket No.: FAA-2001-10587.*

*Petitioner: American Airlines, Inc.*  
*Section of 14 CFR Affected: 14 CFR 121.457(a) and V.A.1 of appendix I to part 121.*

*Description of Relief Sought/*

*Disposition: To permit employees performing safety-sensitive functions for TWA Airlines, LLC to perform identical functions for American Airlines, Inc.*

without being subject to additional pre-employment drug testing.

*Grant, 06/18/2003, Exemption No. 7661A.*

*Docket No.: FAA-2003-15323.*

*Petitioner: Nelson Aviation Consulting, LLC, d.b.a. Nelson Air.*

*Section of 14 CFR Affected: 14 CFR 135.143(c)(2).*

*Description of Relief Sought/*

*Disposition: To permit Nelson Air to operate certain aircraft under part 135 without a TSO-C112 transponder installed in those aircraft.*

*Grant, 06/06/2003, Exemption No. 8068.*

*Docket No.: FAA-2002-13209.*

*Petitioner: Kaman Aerospace Corporation.*

*Section of 14 CFR Affected: 14 CFR 141.39(d).*

*Description of Relief Sought/*

*Disposition: To permit Kaman Aerospace Corporation to conduct flight training under its part 141 provisional pilot school certificate in Kaman K-1200 K-MAX helicopters that do not each have at least two pilot stations with engine-power controls.*

*Denial, 05/16/2003, Exemption No. 8056.*

*Docket No.: FAA-2001-10542.*

*Petitioner: SkyLane Helicopters, LLC.*

*Section of 14 CFR Affected: 14 CFR 135.143(c)(2).*

*Description of Relief Sought/*

*Disposition: To permit SkyLane Helicopters, LLC to operate certain aircraft under part 135 without a TSO-C112 transponder installed on those aircraft.*

*Grant, 06/06/2003, Exemption No. 7436A.*

*Docket No.: FAA-2001-8878.*

*Petitioner: American Airlines.*

*Section of 14 CFR Affected: 14 CFR 121.434(c)(3)(ii).*

*Description of Relief Sought/*

*Disposition: To permit American Airlines to substitute a qualified and authorized check airman in place of an FAA inspector to observe a qualifying pilot in command (PIC) while that PIC is performing prescribed duties during at least one flight leg that includes a takeoff and a landing when completing initial or upgrade training as specified in 121.434.*

*Grant, 06/20/2002, Exemption No. 6916B.*

*Docket No.: FAA-2001-10013.*

*Petitioner: Federal Express.*

*Section of 14 CFR Affected: 14 CFR 121.623(a) and (d), 121.643, and 121.645(e).*

*Description of Relief Sought/*

*Disposition: To permit Federal Express to conduct supplemental operations within the 48 contiguous United States and the District of Columbia using the*

flight regulations for alternate airports as required by 121.619 and the fuel reserve regulations as required by 121.639 that are applicable to domestic operations.

*Grant, 06/20/2003, Exemption No. 7608A.*

*Docket No.: FAA-2003-15358.*

*Petitioner: Plainwell Pilot's Association.*

*Section of 14 CFR Affected: 14 CFR 135.251, 135.255, and 135.353, and appendices I and J to part 121.*

*Description of Relief Sought/*

*Disposition: To permit Plainwell Pilot's Association to conduct local sightseeing flights at the Plainwell Airport on July 4, 2003, for compensation or hire, without certain anti-drug and alcohol misuse prevention requirements of part 135.*

*Grant, 06/18/2003, Exemption No. 8073.*

*Docket No.: FAA-2003-15312.*

*Petitioner: Phillipsburg Aviation.*

*Section of 14 CFR Affected: 14 CFR 135.251, 135.255, and 135.353, and appendices I and J to part 121.*

*Description of Relief Sought/*

*Disposition: To permit Phillipsburg Aviation to conduct local sightseeing flights at the Phillipsburg Airport on August 24, 2003, for compensation or hire, without complying with certain anti-drug and alcohol misuse prevention requirements of part 135.*

*Grant, 06/18/2003, Exemption No. 8074.*

*Docket No.: FAA-2003-15387.*

*Petitioner: Ashland County Airport.*

*Section of 14 CFR Affected: 14 CFR 135.251, 135.255, and 135.353, and appendices I and J to part 121.*

*Description of Relief Sought/*

*Disposition: To permit Ashland County Airport, in conjunction with Johnston Aviation, to conduct certain local sightseeing flights during June and October 2003, for compensation or hire, without complying with certain anti-drug and alcohol misuse prevention requirements of part 135.*

*Grant, 06/18/2003, Exemption No. 8075.*

*Docket No.: FAA-2003-15412.*

*Petitioner: EK Aviation.*

*Section of 14 CFR Affected: 14 CFR 135.251, 135.255, and 135.353, and appendices I and J to part 121.*

*Description of Relief Sought/*

*Disposition: To permit EK Aviation to conduct certain local sightseeing flights during July and September 2003, for compensation or hire, without complying with certain anti-drug and alcohol misuse prevention requirements of part 135.*

*Grant, 06/18/2003, Exemption No. 8076.*

[FR Doc. 03-17657 Filed 7-11-03; 8:45 am]

BILLING CODE 4910-13-P

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****Notice of Intent To Rule on Application 03-03-C-00-SDF To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Louisville International Airport, Louisville, KY**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of intent to rule on application.

**SUMMARY:** The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Louisville International Airport under the provisions of the 49 U.S.C. 40117 and part 158 of the Federal Aviation Regulations 914 CFR part 158).

**DATES:** Comments must be received on or before August 13, 2003.

**ADDRESSES:** Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Memphis Airports District Office, 3385 Airways Boulevard, Suite 302, Memphis, Tennessee 38116-3841. In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. James C. DeLong, General Manager of the Regional Airport Authority of Louisville and Jefferson County at the following address: Post Office Box 9129, Louisville, Kentucky 40209.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Regional Airport Authority of Louisville and Jefferson County under section 158.23 of part 158.

**FOR FURTHER INFORMATION CONTACT:** Mr. Jerry O. Bowers, Airports Program Manager, Memphis Airports District Office, 3385 Airways Boulevard, Suite 302, Memphis, Tennessee 38116-3841, (901) 544-3495, Extension 221. The application may be reviewed in person at this same location.

**SUPPLEMENTARY INFORMATION:** The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Louisville International Airport under the provisions of the 49 U.S.C. 40117 and Part 158 of the Federal Aviation Regulations (14 CFR part 158).

On July 2, 2003, the FAA determined that the application to impose and use the revenue from a PFC submitted by Regional Airport Authority of Louisville and Jefferson County was substantially complete within the requirements of section 158.25 of part 158. The FAA will approve or disapprove the

application, in whole or in part, no later than October 22, 2003.

The following is a brief overview of the application.

*Proposed charge effective date:* April 1, 2017.

*Proposed charge expiration date:* June 1, 2018.

*Level of the proposed PFC:* \$3.00.

*Total estimated PFC revenue:* \$5,666,800.

*Brief Description of proposed project(s):* Regional Jet gates and holding rooms.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs; Air taxi/commercial operator (ATCO), certified air carriers (CAC), and certified route air carriers (CRAC) having fewer than 500 annual enplanements.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA regional Airport office located at: 1701 Columbia Avenue, College Park, Georgia 30337.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Regional Airport Authority of Louisville and Jefferson County.

Issued in Memphis, Tennessee on July 2, 2003.

**LaVerne F. Reid,**

*Manager, Memphis Airports District Office, Southern Region.*

[FR Doc. 03-17658 Filed 7-11-03; 8:45 am]

**BILLING CODE 4910-13-M**

**DEPARTMENT OF THE TREASURY****Submission for OMB Review; Comment Request**

July 2, 2003.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104-13. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 11000, 1750 Pennsylvania Avenue, NW., Washington, DC 20220.

**DATES:** Written comments should be received on or before August 13, 2003 to be assured of consideration.

**Internal Revenue Service (IRS)**

*OMB Number:* 1545-0675.

*Form Number:* IRS Form 1040EZ.

*Type of Review:* Revision.

*Title:* Income Tax Return for Single and Joint Filers With No Dependents.

*Description:* Form 1040EZ is used by certain individuals to report their income subject to income tax and to figure their correct tax liability. The data is also used to verify that the items reported on the form are correct and are also for general statistical use.

*Respondents:* Individuals or households.

*Estimated Number of Respondents/Recordkeepers:* 17,177,522.

*Estimated Burden Hours Per Respondent/Recordkeeper:*

Recordkeeping .....	4 min.
Learning about the law or the form.	1 hr., 40 min.
Preparing the form .....	1 hr., 39 min.
Copying, assembling, and sending the form to the IRS.	20 min.

*Frequency of Response:* Annually.

*Estimated Total Reporting/*

*Recordkeeping Burden:* 50,621,176 hours.

*OMB Number:* 1545-1816.

*Regulation Project Number:* REG-103320-00 Final.

*Type of Review:* Extension.

*Title:* Disclosure of Returns and Return Information to Designee of Taxpayer.

*Description:* Regulation section 301.6103(c)-1 generally authorizes the IRS and its agents to disclose returns and return information to such persons as the taxpayer may designate in a written request for or consent to disclosure, or to any other person at the taxpayer's written or non-written request to the extent necessary to comply with a request for information or assistance made by the taxpayer to such other person. The regulation requires a taxpayer who wishes to authorize disclosure of his or her return information to provide the IRS or its agents with certain information, such as information identifying the taxpayer, the returns or return information to be disclosed, and the person to whom the disclosure is to be made.

*Respondents:* Individuals or households, Business or other for-profit, Not-for-profit institutions, Farms, Federal Government, State, Local or Tribal Government.

*Estimated Number of Respondents/Recordkeepers:* 4,000.

*Estimated Burden Hours Per Respondent/Recordkeeper:* 12 minutes.

*Frequency of Response:* Annually.



*Estimated Total Reporting/Recordkeeping Burden:* 800 hours.

*OMB Number:* 1545-1835.

*Form Number:* Questionnaires A, B, C, D, E, G, H, I, J, K, M, Q, R, S, T, UP, UV, V, W, X, and Y.

*Type of Review:* Extension.

*Title:* Form 637 Questionnaires.

*Description:* Form 637 Questionnaires will be used to collect information about persons who are registered with the Internal Revenue Service (IRS) in accordance with Internal Revenue Code (IRC) § 4104 or 4222. The information will be used to make an informed decision on whether the applicant/registrant qualifies for registration.

*Respondents:* Business or other for-profit, State, Local or Tribal Government.

*Estimated Number of Respondents:* 2,840.

*Estimated Burden Hours Per Respondent:*

Questionnaire A .....	45 min.
Questionnaire B .....	45 min.
Questionnaire C .....	55 min.
Questionnaire D .....	40 min.
Questionnaire E .....	30 min.
Questionnaire F .....	50 min.
Questionnaire H .....	1 hr., 40 min.
Questionnaire I .....	45 min.
Questionnaire J .....	40 min.
Questionnaire K .....	45 min.
Questionnaire M .....	1 hr., 10 min.
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Questionnaire W .....	55 min.
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*Frequency of Response:* Annually.

*Estimated Total Reporting/Recordkeeping Burden:* 3,479 hours.

*Clearance Officer:* Glenn Kirkland, (202) 622-3428, Internal Revenue Service, Room 6411-03, 1111 Constitution Avenue, NW., Washington, DC 20224.

*OMB Reviewer:* Joseph F. Lackey, Jr., (202) 395-7316, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503.

**Lois K. Holland,**

*Treasury PRA Clearance Officer.*

[FR Doc. 03-17712 Filed 7-11-03; 8:45 am]

**BILLING CODE 4830-01-P**

## UNITED STATES INSTITUTE OF PEACE

### Announcement of the Fall 2003 Solicited Grant Competition Grant Program

**AGENCY:** United States Institute of Peace.

**ACTION:** Notice.

**SUMMARY:** The Agency Announces its *Upcoming Fall 2003 Solicited Grant Competition*. The Solicited Grant competition is restricted to projects that fit specific themes and topics identified in advance by the Institute of Peace.

The themes and topics for the Fall 2003 Solicited competition are:

- Solicitation A: Responding to Terrorism.
- Solicitation B: New Approaches to the Arab-Israeli Conflict.

*Deadline:* October 1, 2003.

Application Material Available on Request.

**DATES:** *Receipt of Application:* October 1, 2003.

*Notification Date:* March 31, 2004.

**ADDRESSES:** For more information and an application package: United States Institute of Peace, Grant Program Solicited Grants, 1200 17th Street, NW., Suite 200, Washington, DC 20036-3011, (202) 429-3842 (phone), (202) 429-6063 (fax), (202) 457-1719 (TTY), *E-mail:* [grants@usip.org](mailto:grants@usip.org).

*Application material available online:* <http://www.usip.org/grants>.

**FOR FURTHER INFORMATION CONTACT:** The Grant Program, Phone (202) 429-3842.

Dated: July 8, 2003.

**Bernice J. Carney,**

*Director Office of Administration.*

[FR Doc. 03-17672 Filed 7-11-03; 8:45 am]

**BILLING CODE 6820-AR-M**

## UNITED STATES INSTITUTE OF PEACE

### Announcement of the Fall 2003 Unsolicited Grant Competition Grant Program

**AGENCY:** United States Institute of Peace.

**ACTION:** Notice.

**SUMMARY:** The Agency announces its *Upcoming Unsolicited Grant Program*, which offers support for research, education and training, and the dissemination of information on international peace and conflict resolution. The Unsolicited competition is open to any project that falls within the Institute's broad mandate of international conflict resolution.

**DEADLINE:** October 1, 2003. Application Material Available on Request.

**DATES:** *Receipt of Application:* October 1, 2003. *Notification Date:* March 31, 2004.

**ADDRESSES:** For Application Package: United States Institute of Peace, Grant Program, 1200 17th Street, NW., Suite 200, Washington, DC 20036-3011, (202) 429-3842 (phone), (202) 429-6063 (fax), (202) 457-1719 (TTY), *E-mail:* [grants@usip.org](mailto:grants@usip.org).

Application material available online: <http://www.usip.org/grants>.

**FOR FURTHER INFORMATION CONTACT:** The Grant Program, Phone (202) 429-3842, *E-mail:* [grants@usip.org](mailto:grants@usip.org).

Dated: July 8, 2003.

**Bernice J. Carney,**

*Director, Office of Administration.*

[FR Doc. 03-17673 Filed 7-11-03; 8:45 am]

**BILLING CODE 6820-AR-M**



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**AGRICULTURE DEPARTMENT****Animal and Plant Health Inspection Service**

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**COMMERCE DEPARTMENT National Oceanic and Atmospheric Administration**

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#### **ENVIRONMENTAL PROTECTION AGENCY**

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#### **ENVIRONMENTAL PROTECTION AGENCY**

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##### **Coast Guard**

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McDonnell Douglas; comments due by 7-21-03; published 6-4-03 [FR 03-13978]

Turbomeca S.A.; comments due by 7-21-03; published 5-20-03 [FR 03-12541]

Class E airspace; comments due by 7-24-03; published 6-9-03 [FR 03-14427]

**TRANSPORTATION  
DEPARTMENT  
Federal Aviation  
Administration**

Class E airspace; comments due by 7-25-03; published 6-19-03 [FR 03-15526]

**TRANSPORTATION  
DEPARTMENT  
National Highway Traffic  
Safety Administration**

Motor vehicle safety standards:

Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act; implementation—  
Tire safety information; comments due by 7-21-03; published 6-5-03 [FR 03-14160]

**TREASURY DEPARTMENT  
Fiscal Service**

Privacy Act; implementation; comments due by 7-21-03; published 6-20-03 [FR 03-15638]

**TREASURY DEPARTMENT  
Internal Revenue Service**

Income taxes:

Paid tax return preparers; electronic filing; cross-reference; comments due by 7-23-03; published 4-24-03 [FR 03-10191]

**TREASURY DEPARTMENT**

Privacy Act; implementation;; comments due by 7-21-03;

published 6-20-03 [FR 03-15638]

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**LIST OF PUBLIC LAWS**

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This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "PLUS" (Public Laws Update Service) on 202-741-6043. This list is also available online at <http://www.nara.gov/fedreg/plawcurr.html>.

The text of laws is not published in the **Federal Register** but may be ordered in "slip law" (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202-512-1808). The text will also be made available on the Internet from GPO Access at <http://www.access.gpo.gov/nara/nara005.html>. Some laws may not yet be available.

**H.R. 658/P.L. 108-44**

Accountant, Compliance, and Enforcement Staffing Act of 2003 (July 3, 2003; 117 Stat. 842)

**S. 1276/P.L. 108-45**

Strengthen AmeriCorps Program Act (July 3, 2003; 117 Stat. 844)

**Last List July 3, 2003**

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(PENS)**

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**CFR CHECKLIST**

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, stock numbers, prices, and revision dates.

An asterisk (\*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

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Title	Stock Number	Price	Revision Date
<b>1, 2 (2 Reserved)</b> .....	(869-050-00001-6) .....	9.00	4Jan. 1, 2003
<b>3 (1997 Compilation and Parts 100 and 101)</b> .....	(869-050-00002-4) .....	32.00	1 Jan. 1, 2003
<b>4</b> .....	(869-050-00003-2) .....	9.50	Jan. 1, 2003
<b>5 Parts:</b>			
1-699 .....	(869-050-00004-1) .....	57.00	Jan. 1, 2003
700-1199 .....	(869-050-00005-9) .....	46.00	Jan. 1, 2003
1200-End, 6 (6 Reserved) .....	(869-050-00006-7) .....	58.00	Jan. 1, 2003
<b>7 Parts:</b>			
1-26 .....	(869-050-00007-5) .....	40.00	Jan. 1, 2003
27-52 .....	(869-050-00008-3) .....	47.00	Jan. 1, 2003
53-209 .....	(869-050-00009-1) .....	36.00	Jan. 1, 2003
210-299 .....	(869-050-00010-5) .....	59.00	Jan. 1, 2003
300-399 .....	(869-050-00011-3) .....	43.00	Jan. 1, 2003
400-699 .....	(869-050-00012-1) .....	39.00	Jan. 1, 2003
700-899 .....	(869-050-00013-0) .....	42.00	Jan. 1, 2003
900-999 .....	(869-050-00014-8) .....	57.00	Jan. 1, 2003
1000-1199 .....	(869-050-00015-6) .....	23.00	Jan. 1, 2003
1200-1599 .....	(869-050-00016-4) .....	58.00	Jan. 1, 2003
1600-1899 .....	(869-050-00017-2) .....	61.00	Jan. 1, 2003
1900-1939 .....	(869-050-00018-1) .....	29.00	4 Jan. 1, 2003
1940-1949 .....	(869-050-00019-9) .....	47.00	Jan. 1, 2003
1950-1999 .....	(869-050-00020-2) .....	45.00	Jan. 1, 2003
2000-End .....	(869-050-00021-1) .....	46.00	Jan. 1, 2003
<b>8</b> .....	(869-050-00022-9) .....	58.00	Jan. 1, 2003
<b>9 Parts:</b>			
1-199 .....	(869-050-00023-7) .....	58.00	Jan. 1, 2003
200-End .....	(869-050-00024-5) .....	56.00	Jan. 1, 2003
<b>10 Parts:</b>			
1-50 .....	(869-050-00025-3) .....	58.00	Jan. 1, 2003
51-199 .....	(869-050-00026-1) .....	56.00	Jan. 1, 2003
200-499 .....	(869-050-00027-0) .....	44.00	Jan. 1, 2003
500-End .....	(869-050-00028-8) .....	58.00	Jan. 1, 2003
<b>11</b> .....	(869-050-00029-6) .....	38.00	Jan. 1, 2003
<b>12 Parts:</b>			
1-199 .....	(869-050-00030-0) .....	30.00	Jan. 1, 2003
200-219 .....	(869-050-00031-8) .....	38.00	Jan. 1, 2003
220-299 .....	(869-050-00032-6) .....	58.00	Jan. 1, 2003
300-499 .....	(869-050-00033-4) .....	43.00	Jan. 1, 2003
500-599 .....	(869-050-00034-2) .....	38.00	Jan. 1, 2003
600-899 .....	(869-050-00035-1) .....	54.00	Jan. 1, 2003
900-End .....	(869-050-00036-9) .....	47.00	Jan. 1, 2003
<b>13</b> .....	(869-050-00037-7) .....	47.00	Jan. 1, 2003

Title	Stock Number	Price	Revision Date
<b>14 Parts:</b>			
1-59 .....	(869-050-00038-5) .....	60.00	Jan. 1, 2003
60-139 .....	(869-050-00039-3) .....	58.00	Jan. 1, 2003
140-199 .....	(869-050-00040-7) .....	28.00	Jan. 1, 2003
200-1199 .....	(869-050-00041-5) .....	47.00	Jan. 1, 2003
1200-End .....	(869-050-00042-3) .....	43.00	Jan. 1, 2003
<b>15 Parts:</b>			
0-299 .....	(869-050-00043-1) .....	37.00	Jan. 1, 2003
300-799 .....	(869-050-00044-0) .....	57.00	Jan. 1, 2003
800-End .....	(869-050-00045-8) .....	40.00	Jan. 1, 2003
<b>16 Parts:</b>			
0-999 .....	(869-050-00046-6) .....	47.00	Jan. 1, 2003
1000-End .....	(869-050-00047-4) .....	57.00	Jan. 1, 2003
<b>17 Parts:</b>			
1-199 .....	(869-050-00049-1) .....	50.00	Apr. 1, 2003
200-239 .....	(869-048-00049-6) .....	55.00	Apr. 1, 2002
240-End .....	(869-050-00051-2) .....	62.00	Apr. 1, 2003
<b>18 Parts:</b>			
1-399 .....	(869-050-00052-1) .....	62.00	Apr. 1, 2003
400-End .....	(869-050-00053-9) .....	25.00	Apr. 1, 2003
<b>19 Parts:</b>			
1-140 .....	(869-050-00054-7) .....	60.00	Apr. 1, 2003
141-199 .....	(869-050-00055-5) .....	58.00	Apr. 1, 2003
200-End .....	(869-050-00056-3) .....	30.00	Apr. 1, 2003
<b>20 Parts:</b>			
1-399 .....	(869-050-00057-1) .....	50.00	Apr. 1, 2003
400-499 .....	(869-050-00058-0) .....	63.00	Apr. 1, 2003
500-End .....	(869-050-00059-8) .....	63.00	Apr. 1, 2003
<b>21 Parts:</b>			
1-99 .....	(869-050-00060-1) .....	40.00	Apr. 1, 2003
100-169 .....	(869-050-00061-0) .....	47.00	Apr. 1, 2003
170-199 .....	(869-050-00062-8) .....	50.00	Apr. 1, 2003
200-299 .....	(869-050-00063-6) .....	17.00	Apr. 1, 2003
300-499 .....	(869-050-00064-4) .....	29.00	Apr. 1, 2003
500-599 .....	(869-050-00065-2) .....	47.00	Apr. 1, 2003
600-799 .....	(869-050-00066-1) .....	15.00	Apr. 1, 2003
*800-1299 .....	(869-050-00067-9) .....	58.00	Apr. 1, 2003
1300-End .....	(869-050-00068-7) .....	22.00	Apr. 1, 2003
<b>22 Parts:</b>			
1-299 .....	(869-048-00068-2) .....	59.00	Apr. 1, 2002
300-End .....	(869-050-00070-9) .....	44.00	Apr. 1, 2003
<b>23</b> .....	(869-050-00071-7) .....	44.00	Apr. 1, 2003
<b>24 Parts:</b>			
0-199 .....	(869-050-00072-5) .....	58.00	Apr. 1, 2003
200-499 .....	(869-050-00073-3) .....	50.00	Apr. 1, 2003
500-699 .....	(869-050-00074-1) .....	30.00	Apr. 1, 2003
700-1699 .....	(869-050-00075-0) .....	61.00	Apr. 1, 2003
1700-End .....	(869-050-00076-8) .....	30.00	Apr. 1, 2003
<b>25</b> .....	(869-050-00077-6) .....	63.00	Apr. 1, 2003
<b>26 Parts:</b>			
§§ 1.0-1-1.60 .....	(869-050-00078-4) .....	49.00	Apr. 1, 2003
§§ 1.61-1.169 .....	(869-050-00079-2) .....	63.00	Apr. 1, 2003
§§ 1.170-1.300 .....	(869-050-00080-6) .....	57.00	Apr. 1, 2003
§§ 1.301-1.400 .....	(869-048-00080-1) .....	44.00	Apr. 1, 2002
§§ 1.401-1.440 .....	(869-050-00082-2) .....	61.00	Apr. 1, 2003
§§ 1.441-1.500 .....	(869-050-00083-1) .....	50.00	Apr. 1, 2003
§§ 1.501-1.640 .....	(869-050-00084-9) .....	49.00	Apr. 1, 2003
§§ 1.641-1.850 .....	(869-048-00084-4) .....	57.00	Apr. 1, 2002
§§ 1.851-1.907 .....	(869-050-00086-5) .....	60.00	Apr. 1, 2003
§§ 1.908-1.1000 .....	(869-050-00087-3) .....	60.00	Apr. 1, 2003
§§ 1.1001-1.1400 .....	(869-050-00088-1) .....	61.00	Apr. 1, 2003
§§ 1.1401-1.1503-2A .....	(869-050-00089-0) .....	50.00	Apr. 1, 2003
§§ 1.1551-End .....	(869-050-00090-3) .....	50.00	Apr. 1, 2003
2-29 .....	(869-050-00091-1) .....	60.00	Apr. 1, 2003
30-39 .....	(869-048-00090-9) .....	39.00	Apr. 1, 2002
40-49 .....	(869-050-00093-8) .....	26.00	Apr. 1, 2003
50-299 .....	(869-050-00094-6) .....	41.00	Apr. 1, 2003
300-499 .....	(869-050-00095-4) .....	61.00	Apr. 1, 2003
500-599 .....	(869-050-00096-2) .....	12.00	5Apr. 1, 2003
600-End .....	(869-050-00097-1) .....	17.00	Apr. 1, 2003

Title	Stock Number	Price	Revision Date	Title	Stock Number	Price	Revision Date
<b>27 Parts:</b>				86 (86.600-1-End) .....	(869-048-00149-2) .....	47.00	July 1, 2002
1-199 .....	(869-050-00098-9) .....	63.00	Apr. 1, 2003	87-99 .....	(869-048-00150-6) .....	57.00	July 1, 2002
200-End .....	(869-050-00099-7) .....	25.00	Apr. 1, 2003	100-135 .....	(869-048-00151-4) .....	42.00	July 1, 2002
<b>28 Parts:</b>				136-149 .....	(869-048-00152-2) .....	58.00	July 1, 2002
0-42 .....	(869-048-00098-4) .....	58.00	July 1, 2002	150-189 .....	(869-048-00153-1) .....	47.00	July 1, 2002
43-End .....	(869-048-00099-2) .....	55.00	July 1, 2002	190-259 .....	(869-048-00154-9) .....	37.00	July 1, 2002
<b>29 Parts:</b>				260-265 .....	(869-048-00155-7) .....	47.00	July 1, 2002
0-99 .....	(869-048-00100-0) .....	45.00	<sup>8</sup> July 1, 2002	266-299 .....	(869-048-00156-5) .....	47.00	July 1, 2002
100-499 .....	(869-048-00101-8) .....	21.00	July 1, 2002	300-399 .....	(869-048-00157-3) .....	43.00	July 1, 2002
500-899 .....	(869-048-00102-6) .....	58.00	July 1, 2002	400-424 .....	(869-048-00158-1) .....	54.00	July 1, 2002
900-1899 .....	(869-048-00103-4) .....	35.00	July 1, 2002	425-699 .....	(869-048-00159-0) .....	59.00	July 1, 2002
1900-1910 (§§ 1900 to 1910.999) .....	(869-048-00104-2) .....	58.00	July 1, 2002	700-789 .....	(869-048-00160-3) .....	58.00	July 1, 2002
1910 (§§ 1910.1000 to End) .....	(869-048-00105-1) .....	42.00	<sup>8</sup> July 1, 2002	790-End .....	(869-048-00161-1) .....	45.00	July 1, 2002
1911-1925 .....	(869-048-00106-9) .....	29.00	July 1, 2002	<b>41 Chapters:</b>			
1926 .....	(869-048-00107-7) .....	47.00	July 1, 2002	1, 1-1 to 1-10 .....		13.00	<sup>3</sup> July 1, 1984
1927-End .....	(869-048-00108-5) .....	59.00	July 1, 2002	1, 1-11 to Appendix, 2 (2 Reserved) .....		13.00	<sup>3</sup> July 1, 1984
<b>30 Parts:</b>				3-6 .....		14.00	<sup>3</sup> July 1, 1984
1-199 .....	(869-048-00109-3) .....	56.00	July 1, 2002	7 .....		6.00	<sup>3</sup> July 1, 1984
200-699 .....	(869-048-00110-7) .....	47.00	July 1, 2002	8 .....		4.50	<sup>3</sup> July 1, 1984
700-End .....	(869-048-00111-5) .....	56.00	July 1, 2002	9 .....		13.00	<sup>3</sup> July 1, 1984
<b>31 Parts:</b>				10-17 .....		9.50	<sup>3</sup> July 1, 1984
0-199 .....	(869-048-00112-3) .....	35.00	July 1, 2002	18, Vol. I, Parts 1-5 .....		13.00	<sup>3</sup> July 1, 1984
200-End .....	(869-048-00113-1) .....	60.00	July 1, 2002	18, Vol. II, Parts 6-19 .....		13.00	<sup>3</sup> July 1, 1984
<b>32 Parts:</b>				18, Vol. III, Parts 20-52 .....		13.00	<sup>3</sup> July 1, 1984
1-39, Vol. I .....		15.00	<sup>2</sup> July 1, 1984	19-100 .....		13.00	<sup>3</sup> July 1, 1984
1-39, Vol. II .....		19.00	<sup>2</sup> July 1, 1984	1-100 .....	(869-048-00162-0) .....	23.00	July 1, 2002
1-39, Vol. III .....		18.00	<sup>2</sup> July 1, 1984	101 .....	(869-048-00163-8) .....	43.00	July 1, 2002
1-190 .....	(869-048-00114-0) .....	56.00	July 1, 2002	102-200 .....	(869-048-00164-6) .....	41.00	July 1, 2002
191-399 .....	(869-048-00115-8) .....	60.00	July 1, 2002	201-End .....	(869-048-00165-4) .....	24.00	July 1, 2002
400-629 .....	(869-048-00116-6) .....	47.00	July 1, 2002	<b>42 Parts:</b>			
630-699 .....	(869-048-00117-4) .....	37.00	July 1, 2002	1-399 .....	(869-048-00166-2) .....	56.00	Oct. 1, 2002
700-799 .....	(869-048-00118-2) .....	44.00	July 1, 2002	400-429 .....	(869-048-00167-1) .....	59.00	Oct. 1, 2002
800-End .....	(869-048-00119-1) .....	46.00	July 1, 2002	430-End .....	(869-048-00168-9) .....	61.00	Oct. 1, 2002
<b>33 Parts:</b>				<b>43 Parts:</b>			
1-124 .....	(869-048-00120-4) .....	47.00	July 1, 2002	1-999 .....	(869-048-00169-7) .....	47.00	Oct. 1, 2002
125-199 .....	(869-048-00121-2) .....	60.00	July 1, 2002	1000-End .....	(869-048-00170-1) .....	59.00	Oct. 1, 2002
200-End .....	(869-048-00122-1) .....	47.00	July 1, 2002	<b>44</b> .....	(869-048-00171-9) .....	47.00	Oct. 1, 2002
<b>34 Parts:</b>				<b>45 Parts:</b>			
1-299 .....	(869-048-00123-9) .....	45.00	July 1, 2002	1-199 .....	(869-048-00172-7) .....	57.00	Oct. 1, 2002
300-399 .....	(869-048-00124-7) .....	43.00	July 1, 2002	200-499 .....	(869-048-00173-5) .....	31.00	<sup>9</sup> Oct. 1, 2002
400-End .....	(869-048-00125-5) .....	59.00	July 1, 2002	500-1199 .....	(869-048-00174-3) .....	47.00	Oct. 1, 2002
<b>35</b> .....	(869-048-00126-3) .....	10.00	<sup>7</sup> July 1, 2002	1200-End .....	(869-048-00175-1) .....	57.00	Oct. 1, 2002
<b>36 Parts</b>				<b>46 Parts:</b>			
1-199 .....	(869-048-00127-1) .....	36.00	July 1, 2002	1-40 .....	(869-048-00176-0) .....	44.00	Oct. 1, 2002
200-299 .....	(869-048-00128-0) .....	35.00	July 1, 2002	41-69 .....	(869-048-00177-8) .....	37.00	Oct. 1, 2002
300-End .....	(869-048-00129-8) .....	58.00	July 1, 2002	70-89 .....	(869-048-00178-6) .....	14.00	Oct. 1, 2002
<b>37</b> .....	(869-048-00130-1) .....	47.00	July 1, 2002	90-139 .....	(869-048-00179-4) .....	42.00	Oct. 1, 2002
<b>38 Parts:</b>				140-155 .....	(869-048-00180-8) .....	24.00	<sup>9</sup> Oct. 1, 2002
0-17 .....	(869-048-00131-0) .....	57.00	July 1, 2002	156-165 .....	(869-048-00181-6) .....	31.00	<sup>9</sup> Oct. 1, 2002
18-End .....	(869-048-00132-8) .....	58.00	July 1, 2002	166-199 .....	(869-048-00182-4) .....	44.00	Oct. 1, 2002
<b>39</b> .....	(869-048-00133-6) .....	40.00	July 1, 2002	200-499 .....	(869-048-00183-2) .....	37.00	Oct. 1, 2002
<b>40 Parts:</b>				500-End .....	(869-048-00184-1) .....	24.00	Oct. 1, 2002
1-49 .....	(869-048-00134-4) .....	57.00	July 1, 2002	<b>47 Parts:</b>			
50-51 .....	(869-048-00135-2) .....	40.00	July 1, 2002	0-19 .....	(869-048-00185-9) .....	57.00	Oct. 1, 2002
52 (52.01-52.1018) .....	(869-048-00136-1) .....	55.00	July 1, 2002	20-39 .....	(869-048-00186-7) .....	45.00	Oct. 1, 2002
52 (52.1019-End) .....	(869-048-00137-9) .....	58.00	July 1, 2002	40-69 .....	(869-048-00187-5) .....	36.00	Oct. 1, 2002
53-59 .....	(869-048-00138-7) .....	29.00	July 1, 2002	70-79 .....	(869-048-00188-3) .....	58.00	Oct. 1, 2002
60 (60.1-End) .....	(869-048-00139-5) .....	56.00	July 1, 2002	80-End .....	(869-048-00189-1) .....	57.00	Oct. 1, 2002
60 (Apps) .....	(869-048-00140-9) .....	51.00	<sup>8</sup> July 1, 2002	<b>48 Chapters:</b>			
61-62 .....	(869-048-00141-7) .....	38.00	July 1, 2002	1 (Parts 1-51) .....	(869-048-00190-5) .....	59.00	Oct. 1, 2002
63 (63.1-63.599) .....	(869-048-00142-5) .....	56.00	July 1, 2002	1 (Parts 52-99) .....	(869-048-00191-3) .....	47.00	Oct. 1, 2002
63 (63.600-63.1199) .....	(869-048-00143-3) .....	46.00	July 1, 2002	2 (Parts 201-299) .....	(869-048-00192-1) .....	53.00	Oct. 1, 2002
63 (63.1200-End) .....	(869-048-00144-1) .....	61.00	July 1, 2002	3-6 .....	(869-048-00193-0) .....	30.00	Oct. 1, 2002
64-71 .....	(869-048-00145-0) .....	29.00	July 1, 2002	7-14 .....	(869-048-00194-8) .....	47.00	Oct. 1, 2002
72-80 .....	(869-048-00146-8) .....	59.00	July 1, 2002	15-28 .....	(869-048-00195-6) .....	55.00	Oct. 1, 2002
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<sup>1</sup> Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

<sup>2</sup> The July 1, 1985 edition of 32 CFR Parts 1-189 contains a note only for Parts 1-39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1-39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

<sup>3</sup> The July 1, 1985 edition of 41 CFR Chapters 1-100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

<sup>4</sup> No amendments to this volume were promulgated during the period January 1, 2002, through January 1, 2003. The CFR volume issued as of January 1, 2002 should be retained.

<sup>5</sup> No amendments to this volume were promulgated during the period April 1, 2000, through April 1, 2001. The CFR volume issued as of April 1, 2000 should be retained.

<sup>7</sup> No amendments to this volume were promulgated during the period July 1, 2000, through July 1, 2001. The CFR volume issued as of July 1, 2000 should be retained.

<sup>8</sup> No amendments to this volume were promulgated during the period July 1, 2001, through July 1, 2002. The CFR volume issued as of July 1, 2001 should be retained.

<sup>9</sup> No amendments to this volume were promulgated during the period October 1, 2001, through October 1, 2002. The CFR volume issued as of October 1, 2001 should be retained.